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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, July 12, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUL 15 2011

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of May 17, 2011, and May 24 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

110819 [Formal Policy Discussions - July 12, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 2, 4, 6, 8, and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Beyond what we have accomplished in City Hall thus far in 2011, do you have any specific plans for stimulating our local economy before leaving office? (Supervisor Farrell, District 2)

2. The Municipal Transportation Agency (MTA) Board will soon have the task of appointing a new Director for the MTA. How will you help ensure that the new Director will steer our city's transit agency in a direction that leads to service improvements and increased reliability for riders? How will you help ensure that the new Director will have a broad vision for transportation in our city? (Supervisor Chu, District 4)

3. A recent newspaper article noted an increase in suspected gang violence along the Market and 6th Street Corridor. Of the five listed shooting incidents that have occurred just in the last month and a half, four were youth related. Within the vision for the City's youth and family infrastructure, what policies and investments are we prioritizing that are focused on the City's youth and families? What is the City doing to ensure that youth have access to violence prevention programs and economic opportunities that are a pathway to economic self-sufficiency in the future? Specifically, what is the city's strategy for youth to have access to job opportunities with companies that we are currently trying to partner with such as Twitter and California Pacific Medical Center? (Supervisor Kim, District 6)

4. The Departments of Public Works (DPW) and Recreation and Park (RPD) have seen significant reductions in their tree maintenance budgets. This has led to inadequate maintenance of park trees, creating a public safety hazard, and street tree maintenance being shifted to property owners - resulting in spotty maintenance and unfair burdens on property owners to care for trees that they didn't plant and may not even want. I am very interested in finding a sustainable funding source for DPW and RPD to maintain their trees consistently, and to relieve property owners of this unfair obligation. What are your thoughts on this subject? (Supervisor Wiener, District 8)

5. Will you provide us with an update regarding the 3rd Street Corridor improvements that multiple City Departments have been working toward? Specifically, what has been accomplished around façade improvements and employment opportunities for community members? Furthermore, what is the status of the Redevelopment Agency and the Administration's plans for next steps in Bayview? (Supervisor Cohen, District 10)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

110624 [General Plan Amendments - Executive Park Subarea Plan]

Sponsor: Cohen

Ordinance amending the San Francisco General Plan by amending the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, the Land Use Index, and maps and figures in various elements and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110625 [Planning Code - Zoning - Executive Park Special Use District, Special Height and Bulk Provisions, and Permit Review Procedures]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by adding Section 249.54 to establish the Executive Park Special Use District; adding Section 263.27 to establish Special Height Provisions for the Executive Park Special Use District and the 65/240 EP Height and Bulk District; amending Table 270 to provide that the Table is not applicable to the Executive Park Special Use District; and adding Section 309.2 to establish Permit Review Procedures in the Executive Park Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110626 [Zoning Map Amendments - Executive Park Subarea Plan Area]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU10 of the Zoning Map of the City and County of San Francisco to establish the Executive Park Special Use District; amending Sectional Map HT10 to establish the 65/240-EP Height and Bulk District; amending Sectional Map ZN09 to change certain Executive Park parcels from C-2(Community Business) and M-1(Light Industrial) to RC-3(Residential-Commercial Combined, Medium Density); adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

Recommendations of the Rules Committee

110392 [Settlement of Lawsuit - Committee on JOBS Candidate Advocacy Fund, et al. - $290,000]

Ordinance authorizing settlement of the lawsuit filed by Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure Political Action Committee against the City and County of San Francisco for $290,000; the lawsuit was filed on June 18, 2007, in United States District Court for the Northern District of California, Case No. 07-3199 JSW; entitled Committee on JOBS Candidate Advocacy Fund, et al. v. City and County of San Francisco; other material terms of the settlement are a stipulated injunction prohibiting the City from enforcing the independent expenditure contribution limit in San Francisco Campaign and Governmental Conduct Code 1.114(c). (City Attorney)

FINALLY PASSED

110537 [Settlement of Lawsuit - Stephanie Davis - $45,000]

Ordinance authorizing settlement of the lawsuit filed by Stephanie Ann Davis against the City and County of San Francisco for $45,000; the lawsuit was filed on January 5, 2010, in San Francisco Superior Court, Case No. CGC-10-495809; entitled Stephanie Ann Davis, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

110686 [Adopting Findings Related to the Conditional Use Application - 800 Presidio Avenue]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18342, approving Conditional Use Application 2006.0868CEKTZ on property located at 800 Presidio Avenue. (Clerk of the Board)

Motion No. M11-110

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110058 [Charter Amendment - City Retirement Benefits and Health Care Benefits]

Sponsors: Mayor; Elsbernd, Avalos, Chiu, Chu, Cohen, Farrell, Wiener and Campos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Charter Amendment be CONTINUED AS AMENDED, with the Board sitting as a Committee of the Whole, to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110387 [Consolidated Budget and Annual Appropriation Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FY ending June 30, 2012; and for FYs ending June 30, 2012, and June 30, 2013, for the Airport, Port Commission and Public Utilities Commission.
(Fiscal Impact)

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110386 [Annual Salary Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2012; FY ending June 30, 2013, for the Airport, Port Commission, and the Public Utilities Commission; and continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110534 [Administrative Code - Public Works Greening Fund]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-371 to establish the Department of Public Works Greening Fund as a Category Six Fund.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110549 [Park Code - Harding Park and Fleming Golf Courses Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.12 to: 1) authorize the Recreation and Park Commission to approve special promotions of up to 25% of the applicable rate, and increases of up to 50% for non-resident and tournament fees at Harding Park and Fleming Golf Courses; 2) designate weekday and weekend hours; and 3) making environmental findings.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110550 [Park Code - Lincoln Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.13 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Lincoln Park; and 3) making environmental findings.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110551 [Park Code - Sharp Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.14 to: 1) designate weekday and weekend hours; 2) add junior resident and non-resident rates to the golf fees at Sharp Park; and 3) making environmental findings.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110552 [Park Code - Golden Gate Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.16 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Golden Gate Park; and 3) making environmental findings.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING on July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110706 [Administrative Code - Fee Update]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Sections 31.22, 31.23, and 31.23.1 to: 1) increase all fees based on the Controller's annual two-year average consumer price index; and 2) adopting findings, including environmental findings.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110707 [Planning Code - Fee Update]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5 to: 1) increase fees based on the Controller's annual two-year average consumer price index and place a cap on the intake fee amount for applications for Planning Commission and Zoning Administrator hearing applications, certificates of appropriateness, and building permit applications: and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the priority policies of Planning Code Section 101.1.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110708 [Health Code - Patient Rates - FY2011-2012]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2011.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110709 [Public Works - Temporary Street Occupancy Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and 2) making environmental findings.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110710 [Administrative Code - Public Administrator/Public Guardian Representative Payee Services Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Section 2A.211-A to add a fee of $37 for services provided by the Public Administrator/Public Guardian Representative Payee Program.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110270 [Redevelopment Agency Budget and Bonds in an Amount Not to Exceed $84,000,000 - FY2011-2012]

Sponsor: Mayor

Resolution approving the budget of the Redevelopment Agency of the City and County of San Francisco for FY2011-2012 and approving the Issuance by the Redevelopment Agency of bonds in an aggregate principal amount of not to exceed $84,000,000 to finance a portion of redevelopment activities described in such approved budget for FY2011-2012.
(Fiscal Impact)

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110273 [Treasure Island Development Authority Budget - FY2011-2012]

Sponsor: Mayor

Resolution approving the Budget of the Treasure Island Development Authority for FY2011-2012.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110274 [Adjusting the Access Line Tax with the Consumer Price Index of 2011]

Sponsor: Mayor

Resolution concurring with the Controller's establishment of the Consumer Price Index for 2011, and adjusting the Access Line Tax by the same rate.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110275 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Various Departments]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees for the following services: budget analyst (Board of Supervisors); absentee voter ballot distribution (Department of Elections); LGBT Anti-violence Education and Outreach Program (District Attorney); central shops security, convention facilities management, janitorial services, and security services (General Services Agency-City Administrator); security services-1680 Mission Street (General Services Agency-Public Works); mainframe system support (General Services Agency-Technology); security services (Human Services Agency); Project S.A.F.E. (Police); and food services (Sheriff).
(Fiscal Impact)

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110285 [Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District - 2011-2012 School Year]

Sponsors: Mayor; Chiu, Kim, Cohen, Mar, Avalos, Wiener, Campos and Mirkarimi

Resolution declaring the City's intention to appropriate available Rainy Day Reserve Funds to the San Francisco Unified School District to help the District cope with the loss of State funding for the 2011-2012 school year.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110379 [Expenditure Plan for the Human Services Care Fund - FY2011-2012]

Sponsor: Mayor

Resolution approving the expenditure plan for the Human Services Care Fund for FY2011-2012.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110380 [Public Education Enrichment Fund - San Francisco Unified School District - FY2011-2012]

Sponsor: Mayor

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for FY2011-2012.

Supervisor Chu, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu, seconded by Supervisor Campos, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110381 [Public Education Enrichment Fund - Children and Families Commission - FY2011-2012]

Sponsor: Mayor

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for FY2011-2012.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

110459 [Annual Reports - North of Market/Tenderloin Community Benefit District]

Sponsor: Kim

Resolution regarding North of Market/Tenderloin Community Benefit District Annual Reports to the City: receiving and approving the District's Annual Reports for FYs 2006-2007, 2007-2008, 2008-2009 and 2009-2010, as submitted pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.), and Section 3.4 of the District's management contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110753 [Directing the Budget and Legislative Analyst to Conduct Two Audits in FY2011-2012]

Sponsor: Campos

Motion directing the Budget and Legislative Analyst to conduct two performance audits to evaluate in FY2011-2012 and setting the priority as follows: 1) the effectiveness of the City's policies to develop affordable housing and the Planning Department's oversight of City housing development; and 2) the governance and City oversight of the Asian Art and Fine Arts Museums, War Memorial, and Academy of Sciences.

Motion No. M11-111

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Rules Committee

Supervisor Mirkarimi Excused from Voting

Supervisor Campos, seconded by Supervisor Chu, moved that Supervisor Mirkarimi be excused from voting on File No. 110763. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Mirkarimi

110763 [Appointment, Association of Bay Area Governments Executive Board - Supervisors Ross Mirkarimi]

Motion appointing Supervisors Ross Mirkarimi, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M11-112

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Mirkarimi

Supervisor Avalos Excused from Voting

Supervisor Farrell, seconded by Supervisor Campos, moved that Supervisor Avalos be excused from voting on File No. 110821. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110821 [Appointment, Association of Bay Area Governments Executive Board - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M11-113

APPROVED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Supervisor Mar Excused from Voting

Supervisor Kim, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 110822. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

110822 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]

Motion appoint Supervisor Eric Mar, term ending June 30, 2013, as an alternate member, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M11-114

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

110401 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

Sponsor: Wiener

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

See File No. 110693.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be DUPLICATED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110693 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy Approved by the Voters on or after November 1, 2011]

Sponsor: Wiener

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

See File No. 110401.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy approved by the voters on or after November 1, 2011.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED. with the Board sitting as a Committee of the Whole, to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Male Speaker; expressed support for summer learning.
Kenneth Jo Jo; expressed support for Freedom School and summer learning.
Vera Cummings; expressed support for Freedom School and summer learning.
Former Supervisor Amos Brown; spoke expressing various concerns.
Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to government.
Francisco Da Costa, expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Eugene Gordon Jr.; expressed various concerns.
Female Speaker; spoke in support of pending legislation relating to US Airway incident.
Dr. Annette Shelton; spoke in support of pending legislation relating to US Airway incident.
Shirley Holmes; spoke in support of pending legislation relating to US Airway incident.
Ace Washington; shared a video with the Board.
Debray Carpenter; spoke in support of pending legislation relating to US Airway incident.
Theresa Cooper; expressed concerns relating to gang violence.
Bridgette LeBlanc; spoke in support of pending legislation relating to US Airway incident and Youth MUNI passes.
Everette Downs; spoke in support of pending legislation relating to US Airway incident.
Male Speaker; expressed various religious concerns.
Male Speaker; expressed various concerns.
Donna Doyle; spoke in support of pending legislation relating to US Airway incident.
Jackie Moyer; spoke in support of pending legislation relating to US Airway incident.
Male Speaker; spoke in support of pending legislation relating to US Airway incident.
Male Speaker; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Reverend Arnold Townsend; spoke in support of pending legislation relating to US Airway incident.
Espinola Jackson; spoke in support of pending legislation relating to US Airway incident.
Female Speaker; expressed various concerns.
Male Speaker; spoke in support of pending legislation relating to US Airway incident.
Cynthia Carder; spoke in support of pending legislation relating to US Airway incident.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110799 [Accept and Expend Grant - Bayview Opera House - $400,000]

Sponsor: Cohen

Resolution authorizing the Arts Commission to accept and expend a grant in the amount of $400,000 from the San Francisco Redevelopment Agency to make structural upgrades and install accessibility improvements at the Bayview Opera House.

ADOPTED

110800 [Urging the MTA to Require Quarterly Reports on the Implementation of Work Rule Changes]

Sponsor: Wiener

Resolution urging the San Francisco Municipal Transportation Agency Board of Directors to require quarterly reports on the implementation of work rule changes.

ADOPTED

110802 [Accept and Expend Grant - Out-of-School-Time Online Homework Help Program - $20,000]

Sponsor: Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $20,000 from the California State Library as part of the Federal Library Services and Technology Act the Out-of-School-Time Online Homework Help Program.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Farrell requested that File No. 110801 be severed so that it may be considered separately.

110801 [Commending Octagon House on its 150th Anniversary]

Sponsor: Farrell

Resolution commending the Octagon House on its 150th Anniversary in 2011.

Supervisor Farrell, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution commending Octagon House on its 150th Anniversary in 2011.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110496 [License Agreement - Non-Stop Music Library, L.C.]

Ordinance approving an agreement with Non-Stop Music Library, L.C., to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement. (Department of Technology)

06/22/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110596 [Settlement of Claim - Shatese Stewart - $250,000]

Ordinance authorizing settlement of all claims in the lawsuit filed by Shatese Stewart against the City and County of San Francisco for $250,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC-09-494967; entitled Shatese Stewart v. City and County of San Francisco, et al. (City Attorney)

06/27/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110586 [Management Services Agreement - Sewer System Improvement Program - Not to Exceed $150,000,000]

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute Sewer System Improvement Program-Funded Agreement No. CS-165, Program Management Services, with AECOM-Parsons Joint Venture, for an amount not to exceed $150,000,000 with a term of up to 15 years, under Charter Section 9.118. (Public Utilities Commission)

06/30/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110680 [Master Lease Amendment - U.S. Navy - Treasure Island South Waterfront]

Resolution approving the Twenty-Seventh Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

06/20/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110681 [Master Lease Amendment - U.S. Navy -Treasure Island Childcare]

Resolution approving the Seventh Amendment to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

06/20/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110682 [Cooperative Agreement Modification - U.S. Navy - Treasure Island]
Resolution approving and authorizing the Treasure Island Development Authority to enter into a modification of the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2011, to September 30, 2012. (Treasure Island Development Authority)

06/20/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110683 [Master Lease Amendment - U.S. Navy - Treasure Island Event Venues]
Resolution approving the Twenty Third Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

06/20/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110684 [Master Lease Amendment - U.S. Navy - Treasure Island Land and Structures]
Resolution approving the Thirty-Fifth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

06/20/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110685 [Master Lease Amendment - U.S. Navy - Treasure Island Marina]
Resolution approving the Fifteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

06/20/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110691 [Special Assessment of Liens for Assessment of Cost]
Resolution confirming Report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Building Inspection Commission)

06/30/11; ASSIGNED to Board of Supervisors.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:07 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUL 22 2011

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PUBLIC LIBRARY

Tuesday, July 19, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of June 7, 2011, and June 14, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110664 [Contract - San Francisco AIDS Foundation - Housing and Urban Rent Subsidies Services]

Sponsor: Mayor

Resolution approving a contract between the Department of Public Health and the San Francisco AIDS Foundation for rent subsidies services for people living with HIV/AIDS.
(Fiscal Impact)

ADOPTED

Recommendation of the Public Safety Committee

110450 [Accept and Expend Grant - Community Justice Center Intensive Outpatient Program - $205,000]

Sponsor: Chiu

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $205,000 from Department of Justice to fund the project entitled "San Francisco Community Justice Center Intensive Outpatient Program" for the period of October 1, 2010, through September 30, 2011.

ADOPTED

Recommendation of the Rules Committee

110797 [Appointments, Ballot Simplification Committee - June Fraps, Betty Packard, and Adele Fasick]

Motion appointing June Fraps, Betty Packard, and Adele Fasick, terms ending November 30, 2012, to the Ballot Simplification Committee. (Clerk of the Board)

June Fraps, seat 1, succeeding herself, term expired, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2012.

Betty Packard, seat 2, succeeding herself, term expired, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2012.

Adele Fasick, seat 3, succeeding herself, term expired, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2012.

Motion No. M11-115

APPROVED

110741 [Appointment, SRO Task Force - Victor Nelson]

Motion appointing Victor Nelson, term ending December 31, 2012, to the SRO Task Force. (Clerk of the Board)

Victor Nelson, seat 9, succeeding Patrick Flanagan, resigned, must be a SRO tenant, for the unexpired portion of a three-year term ending December 31, 2012.

Motion No. M11-116

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

Privilege of the floor was granted to John Kwong (Department of Public Works) and John Malamut (City Attorney's Office) who provided an overview of the current discussions with AT&T and responded to questions raised throughout the discussion.

110345 [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 6, 2011. The motion FAILED by the following vote:
Ayes: 5 - Campos, Chiu, Mar, Mirkarimi, Wiener
Noes: 6 - Avalos, Chu, Cohen, Elsbernd, Farrell, Kim

Motion No. M11-120

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Campos, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Chiu, Kim, Mar, Mirkarimi

110346 [Reversing the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 6, 2011. The motion FAILED by the following vote:
Ayes: 5 - Campos, Chiu, Mar, Mirkarimi, Wiener
Noes: 6 - Avalos, Chu, Cohen, Elsbernd, Farrell, Kim

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Campos, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Chiu, Kim, Mar, Mirkarimi

110347 [Preparation of Findings to Reverse the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 6, 2011. The motion FAILED by the following vote:
Ayes: 5 - Campos, Chiu, Mar, Mirkarimi, Wiener
Noes: 6 - Avalos, Chu, Cohen, Elsbernd, Farrell, Kim

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Campos, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Chiu, Kim, Mar, Mirkarimi

Recommendations of the Budget and Finance Committee

110387 [Consolidated Budget and Annual Appropriation Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FY ending June 30, 2012; and for FYs ending June 30, 2012, and June 30, 2013, for the Airport, Port Commission and Public Utilities Commission.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110386 [Annual Salary Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2012; FY ending June 30, 2013, for the Airport, Port Commission, and the Public Utilities Commission; and continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110534 [Administrative Code - Public Works Greening Fund]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-371 to establish the Department of Public Works Greening Fund as a Category Six Fund.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110549 [Park Code - Harding Park and Fleming Golf Courses Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.12 to: 1) authorize the Recreation and Park Commission to approve special promotions of up to 25% of the applicable rate, and increases of up to 50% for non-resident and tournament fees at Harding Park and Fleming Golf Courses; 2) designate weekday and weekend hours; and 3) making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110550 [Park Code - Lincoln Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.13 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Lincoln Park; and 3) making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110551 [Park Code - Sharp Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.14 to: 1) designate weekday and weekend hours; 2) add junior resident and non-resident rates to the golf fees at Sharp Park; and 3) making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110552 [Park Code - Golden Gate Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.16 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Golden Gate Park; and 3) making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110706 [Administrative Code - Fee Update]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Sections 31.22, 31.23, and 31.23.1 to: 1) increase all fees based on the Controller's annual two-year average consumer price index; and 2) adopting findings, including environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110707 [Planning Code - Fee Update]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5 to: 1) increase fees based on the Controller's annual two-year average consumer price index and place a cap on the intake fee amount for applications for Planning Commission and Zoning Administrator hearing applications, certificates of appropriateness, and building permit applications: and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110708 [Health Code - Patient Rates - FY2011-2012]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2011.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110709 [Public Works - Temporary Street Occupancy Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and 2) making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110710 [Administrative Code - Public Administrator/Public Guardian Representative Payee Services Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Section 2A.211-A to add a fee of $37 for services provided by the Public Administrator/Public Guardian Representative Payee Program.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110270 [Redevelopment Agency Budget and Bonds in an Amount Not to Exceed $84,000,000 - FY2011-2012]

Sponsor: Mayor

Resolution approving the budget of the Redevelopment Agency of the City and County of San Francisco for FY2011-2012 and approving the Issuance by the Redevelopment Agency of bonds in an aggregate principal amount of not to exceed $84,000,000 to finance a portion of redevelopment activities described in such approved budget for FY2011-2012.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110273 [Treasure Island Development Authority Budget - FY2011-2012]
Sponsor: Mayor
Resolution approving the Budget of the Treasure Island Development Authority for FY2011-2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110274 [Adjusting the Access Line Tax with the Consumer Price Index of 2011]
Sponsor: Mayor
Resolution concurring with the Controller's establishment of the Consumer Price Index for 2011, and adjusting the Access Line Tax by the same rate.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110275 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Various Departments]
Sponsor: Mayor
Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees for the following services: budget analyst (Board of Supervisors); absentee voter ballot distribution (Department of Elections); LGBT Anti-violence Education and Outreach Program (District Attorney); central shops security, convention facilities management, janitorial services, and security services (General Services Agency-City Administrator); security services-1680 Mission Street (General Services Agency-Public Works); mainframe system support (General Services Agency-Technology); security services (Human Services Agency); Project S.A.F.E. (Police); and food services (Sheriff).
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110285 [Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District - 2011-2012 School Year]
Sponsors: Mayor; Chiu, Kim, Cohen, Mar, Avalos, Wiener, Campos and Mirkarimi
Resolution declaring the City's intention to appropriate available Rainy Day Reserve Funds to the San Francisco Unified School District to help the District cope with the loss of State funding for the 2011-2012 school year.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110379 [Expenditure Plan for the Human Services Care Fund - FY2011-2012]
Sponsor: Mayor
Resolution approving the expenditure plan for the Human Services Care Fund for FY2011-2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110381 [Public Education Enrichment Fund - Children and Families Commission - FY2011-2012]

Sponsor: Mayor

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for FY2011-2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110654 [General Obligation Bond Election - Road Repaving and Street Safety - $248,000,000]

Sponsors: Mayor; Chiu, Wiener, Avalos, Campos, Cohen, Kim, Mar and Mirkarimi

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 8, 2011, for the purpose of submitting to the voters a proposition to incur the following bonded debt of the City and County: $248,000,000 to finance the repaving and reconstruction of roads, the rehabilitation and seismic improvement of street structures, the replacement of sidewalks, the installation and renovation of curb ramps, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and the construction, rehabilitation and renovation of traffic infrastructure and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act (CEQA); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places, and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in California Government Code Section 53410; incorporating the provisions of San Francisco Administrative Code Sections 5.30 - 5.36; and waiving the time requirements specified in San Francisco Administrative Code Section 2.34.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Elsbernd, Farrell

110750 [Certificates of Participation - War Memorial Veterans Building Seismic Upgrade and Improvements - Not to Exceed $170,000,000]

Sponsors: Mayor; Chiu

Ordinance authorizing the execution and delivery of certificates of participation evidencing in an aggregate principal amount of not to exceed $170,000,000 to: 1) finance the seismic upgrade of and certain improvements to the War Memorial Veterans Building; 2) authorizing the selection of a trustee by the Director of Public Finance and approving the form of a trust agreement for the certificates of participation between the City and County of San Francisco and the trustee named therein (including certain indemnities contained therein); 3) approving the forms of a property lease and a project lease between the City and the trustee of one or more portions of the San Francisco War Memorial Performing Arts Center; 4) approving the form of an official notice of sale and notice of intention to sell for the certificates of participation, if sold by competitive sale; 5) authorizing the selection of underwriters by the Director of Public Finance and approving the form of a purchase contract between the City and the underwriters relating to the certificates of participation, if sold by negotiated sale; 6) approving the forms of a preliminary and final official statement with respect to the certificates of participation; 7) approving the form of a continuing disclosure certificate; 8) finding that the proposed project is categorically exempt from the California Environmental Quality Act; 9) finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirements of Charter Section 4.105 and Administrative Code Section 2A.53; 10) granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the certificates of participation; 11) approving modifications to documents and agreements; and 12) ratifying previous actions taken in connection therewith.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110528 [Feeder Agreement - BART]

Resolution approving the Feeder Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District for payment for transfer trips, with a term from July 1, 2009, to June 30, 2010. (Municipal Transportation Agency)

Privilege of the floor was granted to Sonali Bose (Municipal Transportation Agency) and Cheryl Adams (City Attorney's Office) who responded to questions raised throughout the discussion.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to August 2, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110536 [Airport Lease Agreement - XpresSpa SF International, LLC, and ILJ San Francisco, LLC]

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 2 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110540 [Airport Concession Leases - Subway, Jalapeno Grill, Guava & Java, and Mission Bar & Grill]

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0185 with Baysubway Airport (Subway); No. 03-0187 with Luna Azul Corporation (Jalapeno Grill); No. 03-0191 with Guava & Java (SFO), Inc. (Guava & Java); and No. 03-0199 with Burger Joint, Inc. (Mission Bar & Grill), and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110773 [SOMA Community Stabilization Fund Expenditures - $325,000]

Sponsors: Kim; Mar

Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization Fund in the amount of $325,000 to provide housing and job readiness services to low-income residents and workers in the South of Market neighborhood.
(Fiscal Impact.)

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110494 [Amendment to the Budget and Legislative Analyst Contract to Exercise Two-Year Option]

Motion approving and exercising the final option set forth in the Agreement for Professional Budget and Legislative Analyst Services between the City and County of San Francisco and Harvey M. Rose Associates, LLC, Debra A. Newman, and Louie & Wong, LLP, (A Joint Venture), thereby extending the term of the Agreement from January 1, 2012, through December 31, 2013. (Clerk of the Board)
(Fiscal Impact)

Motion No. M11-117

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the City Operations and Neighborhood Services Committee

110656 [Environment Code - Cell Phone Disclosure Requirements]

Sponsors: Avalos; Mar

Ordinance amending the San Francisco Environment Code Sections 1101 through 1105 to require cell phone retailers to provide their customers with information regarding how to limit exposure to the radiofrequency energy emitted by cell phones in place of the mandatory disclosure of Specific Absorption Rate Values for cell phone models.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110458 [Accept and Expend Grant - Civic Center Sustainable Resources District Project - $970,000]

Sponsor: Kim

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a U.S. Environmental Protection Agency administered grant in the amount of $970,000 for a Civic Center Sustainable Resources District Project.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the City Operations and Neighborhood Services Committee Without Recommendation

110332 [Liquor License Transfer - 2801 Jones Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 511 Crescent Street to 2801 Jones Street (District 3) to Daniel J. Kramer of Haas Najarian, LLP, for Walgreen Co., dba Walgreens, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

Recommendations of the Land Use and Economic Development Committee

110180 [Changing the Official Sidewalk Width - Clarence Place]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both, of facilities affected by the sidewalk width change. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110277 [Planning Code - Vintage Signs]

Sponsor: Campos

Ordinance amending San Francisco Planning Code Section 608.14 to 1) authorize vintage signs; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110623 [Changing the Official Sidewalk Width - Brotherhood Way]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110627 [General Plan Amendment - Community Safety Element]

Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110771 [Jurisdictional Transfer and Exchange of Real Property - Ocean Avenue and Phelan Avenue]

Sponsor: Elsbernd

Resolution 1) approving the jurisdictional transfer of an approximately 5,835 square foot portion of City property located near Ocean Avenue and Phelan Avenue under the jurisdiction of the San Francisco Public Utilities Commission with an approximately 6,264 square foot portion of adjacent City property under the jurisdiction of the San Francisco Municipal Transportation Agency; 2) approving the subsequent exchange of the 6,264 square foot portion of such City property and an approximately 6.21 acre portion of adjacent City property under the jurisdiction of the San Francisco Public Utilities Commission for adjacent real property owned by the San Francisco Community College District and comprised of approximately 6.60 acres; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3) authorizing other actions in furtherance of this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Rules Committee

110400 [Campaign and Governmental Conduct Code - Modifying Registration and Disclosure Requirements for Campaign Consultants]

Sponsor: Wiener

Motion ordering submitted to the voters an ordinance amending Article I, Chapter 5, of the Campaign and Governmental Conduct Code, to modify registration and disclosure requirements for campaign consultants at an election to be held on November 8, 2011.

Motion No. M11-118

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110798 [Appointment, Entertainment Commission - Glendon Carl Hyde]

Motion appointing D. Gill Sperlein, term ending July 1, 2015, to the Entertainment Commission.
(Clerk of the Board)
D. Gill Sperlein, seat 1, succeeding James Meko, term expired, shall represent the interests of City neighborhood associations or groups, for a four-year term ending July 1, 2015.
(Supervisor Kim dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Line 3, by replacing 'D. Gill Sperlein' with 'Glendon Carl Hyde'; on Line 9, by replacing 'D. Gill Sperlein' with 'Glendon Carl Hyde'; on Line 11, by replacing 'D. Gill Sperlein' with 'Glendon Carl Hyde'. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

Motion appointing Glendon Carl Hyde, term ending July 1, 2015, to the Entertainment Commission.
(Clerk of the Board)
Glendon Carl Hyde, seat 1, succeeding James Meko, term expired, shall represent the interests of City neighborhood associations or groups, for a four-year term ending July 1, 2015.

Motion No. M11-119

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110746 [Public Hearing - Charter Amendment - City Retirement Benefits and Health Care Benefits]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the amendments of the proposed Charter Amendment as referenced in File No. 110058. Walter Paulson; Lois Scott; Earl Gilman; Kay Walker; Judith Terracina; Mary Anne McGuire-Hickey; Jean Thomas; Ken Tray; Peter Ashe; Herbert Weiner; James Elliott; Cathy Holton; Bob Moskatt; Gerry Meister; Pamela Lichtenwalner; Sharon Johnson; Tim Paulson; Nancy Gin; Jerry Slaughter; Joan Wood; expressed various concerns relating to the amendments of the proposed Charter Amendment. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110058 [Charter Amendment - City Retirement Benefits and Health Care Benefits]
Sponsors: Mayor; Elsbernd, Avalos, Chiu, Chu, Cohen, Farrell, Wiener and Campos

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System.

Privilege of the floor was granted to Micki Callahan, Human Resources Director, who responded to questions raised throughout the discussion.

ORDERED SUBMITTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110745 [Public Hearing - Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy Approved by the Voters on or after November 1, 2011]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy approved by the voters on or after November 1, 2011. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the motion to table File Nos. 110745 and 110693. Walter Paulson; expressed various concerns relating to the motion to table. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Cohen, Elsbernd

Committee of the Whole Adjourn and Report

From the Board

110693 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy Approved by the Voters on or after November 1, 2011]

Sponsor: Wiener

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy approved by the voters on or after November 1, 2011.

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Cohen, Elsbernd

Recommendation of the Rules Committee

110401 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]

Sponsor: Wiener

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

ORDERED SUBMITTED by the following vote:

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 4 - Avalos, Campos, Mar, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

110774 [Assessment Ballots for City-Owned Parcels for the Proposed Renewal and Expansion of Fillmore Jazz Community Benefit District to be Renamed Fillmore Community Benefit District]

Sponsor: Mirkarimi

Resolution authorizing the Mayor to cast assessment ballots in the affirmative, on behalf of the City and County of San Francisco, as the owner of five parcels over which the Board of Supervisors has jurisdiction, where those five parcels would be subject to assessment in the proposed renewed and expanded property and business improvement district currently known as the Fillmore Jazz Community Benefit District, to be renamed the Fillmore Community Benefit District.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Ace Washington; expressed concerns relating to the Press Room.
John Jenkyl; expressed various concerns relating to constitutional law.
Colleen Bernal; expressed various concerns.
Barry Toronto; spoke in support of legislation relating to credit card charges to taxi cab drivers.
Mark; spoke in support of legislation relating to credit card charges to taxi cab drivers.
Dave Schneider; spoke in support of legislation relating to credit card charges to taxi cab drivers.
Tom Newberg; expressed various concerns relating to neighborhood developments.
Female Speaker; expressed various concerns relating to garbage collection.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110728 [Accept and Expend Grant - Altamont Education Advisory Board - $10,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $10,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

ADOPTED

110737 [Committee of the Whole - Public Hearing to Consider Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on July 26, 2011, at 3:00 p.m., to hold a public hearing to consider adopting a Resolution to establish (renew and expand) the Fillmore Jazz Community Benefit District and rename the district as the Fillmore Community Benefit District.

Motion No. M11-121

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that File No. 110740 be severed so that it may be considered separately.

110740 [Urging the United States Food and Drug Administration to Ban Menthol in Tobacco Products]

Sponsors: Cohen; Mar and Avalos

Resolution urging the U.S. Food and Drug Administration to ban menthol in cigarettes and other tobacco products.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Supervisor Cohen, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to July 26, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Campos requested that File No. 110743 be severed so that it may be considered separately.

110743 [Urging the Municipal Transportation Agency to Halt Action on the Transfer of Credit Card Charges to Taxi Cab Drivers]

Sponsor: Campos

Resolution urging the San Francisco Municipal Transportation Agency to reconsider and abandon the decision to shift the burden of credit card merchant charges from taxi cab companies to the City cab drivers.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution urging the San Francisco Municipal Transportation Agency to reconsider and abandon the decision to shift the burden of credit card merchant charges to the City cab drivers.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED AS AMENDED to July 26, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Cohen requested that File No. 110744 be severed so that it may be considered separately.

110744 [Concern Over the Deshon Marman Incident on US Airways]

Sponsors: Cohen; Campos, Kim, Mar, Mirkarimi, Wiener and Avalos

Resolution expressing concern over the treatment of Deshon Marman by US Airways, and urging the Federal Aviation Administration to investigate US Airways' actions and develop and implement consistent dress requirements for passengers.

Supevisor Avalos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110694 [Settlement of Lawsuit - Jorei Enterprises, LLC - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for $125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco. (City Attorney)

07/05/11; RECEIVED AND ASSIGNED to Rules Committee.

110714 [Settlement of Lawsuit - Arash Ghanadan - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for $50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al. (City Attorney)

07/11/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110713 [Settlement of Unlitigated Claim - Ned Bresnahan - $265,000]

Resolution approving the settlement of the unlitigated claim filed by Ned Bresnahan against San Francisco for $265,000; claim was filed on March 28, 2011.

07/06/11; RECEIVED AND ASSIGNED to Rules Committee.

110715 [Settlement of Unlitigated Claims - Pearl Howell - $80,000]

Resolution approving the settlement of unlitigated claims (DFEH No. E201011M0352 and EEOC Charge No. 550-2010-01808) filed by Pearl Howell against the City and County of San Francisco for $80,000; claims were filed on September 15 and 16, 2010. (City Attorney)

07/11/11; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:39 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUL 29 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, July 26, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Kim, Chu, Mirkarimi, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:20 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of June 21, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

110656 [Environment Code - Cell Phone Disclosure Requirements]

Sponsors: Avalos; Mar

Ordinance amending the San Francisco Environment Code Sections 1101 through 1105 to require cell phone retailers to provide their customers with information regarding how to limit exposure to the radiofrequency energy emitted by cell phones in place of the mandatory disclosure of Specific Absorption Rate Values for cell phone models.

FINALLY PASSED

Recommendation of the Budget and Finance Committee

110750 [Certificates of Participation - War Memorial Veterans Building Seismic Upgrade and Improvements - Not to Exceed $170,000,000]

Sponsors: Mayor; Chiu

Ordinance authorizing the execution and delivery of certificates of participation evidencing in an aggregate principal amount of not to exceed $170,000,000 to: 1) finance the seismic upgrade of and certain improvements to the War Memorial Veterans Building; 2) authorizing the selection of a trustee by the Director of Public Finance and approving the form of a trust agreement for the certificates of participation between the City and County of San Francisco and the trustee named therein (including certain indemnities contained therein); 3) approving the forms of a property lease and a project lease between the City and the trustee of one or more portions of the San Francisco War Memorial Performing Arts Center; 4) approving the form of an official notice of sale and notice of intention to sell for the certificates of participation, if sold by competitive sale; 5) authorizing the selection of underwriters by the Director of Public Finance and approving the form of a purchase contract between the City and the underwriters relating to the certificates of participation, if sold by negotiated sale; 6) approving the forms of a preliminary and final official statement with respect to the certificates of participation; 7) approving the form of a continuing disclosure certificate; 8) finding that the proposed project is categorically exempt from the California Environmental Quality Act; 9) finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirements of Charter Section 4.105 and Administrative Code Section 2A.53; 10) granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the certificates of participation; 11) approving modifications to documents and agreements; and 12) ratifying previous actions taken in connection therewith.
(Fiscal Impact)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

110277 [Planning Code - Vintage Signs]

Sponsor: Campos

Ordinance amending San Francisco Planning Code Section 608.14 to 1) authorize vintage signs; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

FINALLY PASSED

110623 [Changing the Official Sidewalk Width - Brotherhood Way]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

110627 [General Plan Amendment - Community Safety Element]

Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

FINALLY PASSED

110180 [Changing the Official Sidewalk Width - Clarence Place]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both, of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

110387 [Consolidated Budget and Annual Appropriation Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FY ending June 30, 2012; and for FYs ending June 30, 2012, and June 30, 2013, for the Airport, Port Commission and Public Utilities Commission.
(Fiscal Impact)

Ordinance No. 147-11

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110386 [Annual Salary Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2012; FY ending June 30, 2013, for the Airport, Port Commission, and the Public Utilities Commission; and continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

Ordinance No. 146-11

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110534 [Administrative Code - Public Works Greening Fund]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-371 to establish the Department of Public Works Greening Fund as a Category Six Fund.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110549 [Park Code - Harding Park and Fleming Golf Courses Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.12 to: 1) authorize the Recreation and Park Commission to approve special promotions of up to 25% of the applicable rate, and increases of up to 50% for non-resident and tournament fees at Harding Park and Fleming Golf Courses; 2) designate weekday and weekend hours; and 3) making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110550 [Park Code - Lincoln Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.13 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Lincoln Park; and 3) making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110551 [Park Code - Sharp Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.14 to: 1) designate weekday and weekend hours; 2) add junior resident and non-resident rates to the golf fees at Sharp Park; and 3) making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110552 [Park Code - Golden Gate Park Golf Fees]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code, Article 12, Section 12.16 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Golden Gate Park; and 3) making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110706 [Administrative Code - Fee Update]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Sections 31.22, 31.23, and 31.23.1 to: 1) increase all fees based on the Controller's annual two-year average consumer price index; and 2) adopting findings, including environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110707 [Planning Code - Fee Update]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5 to: 1) increase fees based on the Controller's annual two-year average consumer price index and place a cap on the intake fee amount for applications for Planning Commission and Zoning Administrator hearing applications, certificates of appropriateness, and building permit applications: and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110708 [Health Code - Patient Rates - FY2011-2012]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2011.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110709 [Public Works - Temporary Street Occupancy Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and 2) making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110710 [Administrative Code - Public Administrator/Public Guardian Representative Payee Services Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Section 2A.211-A to add a fee of $37 for services provided by the Public Administrator/Public Guardian Representative Payee Program.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110654 [General Obligation Bond Election - Road Repaving and Street Safety - $248,000,000]

Sponsors: Mayor; Chiu, Wiener, Avalos, Campos, Cohen, Kim, Mar and Mirkarimi

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 8, 2011, for the purpose of submitting to the voters a proposition to incur the following bonded debt of the City and County: $248,000,000 to finance the repaving and reconstruction of roads, the rehabilitation and seismic improvement of street structures, the replacement of sidewalks, the installation and renovation of curb ramps, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and the construction, rehabilitation and renovation of traffic infrastructure and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act (CEQA); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places, and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in California Government Code Section 53410; incorporating the provisions of San Francisco Administrative Code Sections 5.30 - 5.36; and waiving the time requirements specified in San Francisco Administrative Code Section 2.34.
(Fiscal Impact)

Ordinance No. 148-11

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Elsbernd, Farrell

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110503 [Administrative Code - Regulating Overtime Available for City Employees]
Sponsor: Chiu
Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 20% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

Supervisor Chiu, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to August 2, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101225 [Landfill Disposal and Facilitation Agreements - Recology San Francisco]
Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118. (Environment)

ADOPTED by the following vote:

Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Avalos, Campos

110380 [Public Education Enrichment Fund - San Francisco Unified School District - FY2011-2012]
Sponsor: Mayor
Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for FY2011-2012.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110559 [Lease and Use Agreement - Continental Airlines, Inc.]
Sponsor: Mayor
Resolution approving and authorizing the execution of Modification No. 6 of the 1981 Airline-Airport Lease and Use Agreement L82-0316 with Continental Airlines, Inc., to provide a retroactive rent credit for terminal rent of exclusive use space vacated in Terminal No. 1 due to the merger of United Air Lines, Inc., and Continental Airlines, Inc., at the San Francisco International Airport.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110560 [Lease and Use Agreement - Continental Airlines, Inc.]

Sponsor: Mayor

Resolution approving and authorizing the execution of Modification No. 1 of the 2011 Lease and Use Agreement L10-0275 with Continental Airlines, Inc., to modify the demised premises by elimination of all exclusive use space in Terminal No. 1 due to the merger of United Air Lines, Inc., and Continental Airlines, Inc., at the San Francisco International Airport.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110586 [Management Services Agreement - Sewer System Improvement Program - Not to Exceed $150,000,000]

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute Sewer System Improvement Program-Funded Agreement No. CS-165, Program Management Services, with AECOM-Parsons Joint Venture, for an amount not to exceed $150,000,000 with a term of up to 15 years, under Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110725 [Issuance and Sale of Tax-Exempt Bonds - Children's Day School, Inc. - Not to Exceed $11,000,000]

Sponsor: Wiener

Resolution approving, in accordance with Section 147(f) of the Internal Revenue Code, the issuance and sale of tax-exempt bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed $11,000,000 to finance various capital facilities owned or leased by Children's Day School.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Sub-Committee Without Recommendation

100672 [Agreement Amendment - Titan Outdoor for Advertising on San Francisco Municipal Transportation Agency Property]

Sponsor: Elsbernd

Resolution approving Amendment One to the Agreement for Advertising on San Francisco Municipal Transportation Agency Property between the City and Titan Outdoor, LLC, to allow advertising window wraps on up to 5% of the San Francisco Municipal Transportation Agency's buses and up to 10% of the San Francisco Municipal Transportation Agency's light rail vehicles and to change the approval requirements for advertising in parking garages.

Privilege of the floor was granted to Sonali Bose (Municipal Transportation Agency) who responded to questions raised throughout the discussion.

Supervisor Chiu, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 8 - Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Avalos, Campos, Elsbernd

Resolution approving Amendment One to the Agreement for Advertising on San Francisco Municipal Transportation Agency Property between the City and Titan Outdoor, LLC, to allow advertising window wraps on up to 15 transit vehicles and to change the approval requirements for advertising in parking garages.

ADOPTED AS AMENDED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim
Noes: 5 - Avalos, Campos, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110729 [Issuance and Sale of Special Tax Bonds - GreenFinanceSF Program - Not to Exceed $100,000,000]

Sponsors: Mayor; Mar

Resolution authorizing the issuance and sale of special tax bonds (federally taxable) in an aggregate principal amount not to exceed $100,000,000 and authorizing related documents and actions in connection therewith.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110730 [Loan Loss Reserve Agreement and Approving Administrative Terms and Conditions - GreenFinanceSF Program]

Sponsors: Mayor; Mar

Resolution 1) approving the administrative terms and conditions for the GreenFinanceSF owner-arranged financing program; 2) identifying the San Francisco Department of the Environment, or its City agency designee, as the Program Administrator for the City; 3) setting reporting requirements; and 4) authorizing the execution of a loan loss reserve agreement and related matters.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110738 [Public Hearing - Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for 7 years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101355. Male Speaker; Walter Paulson; Floyd Tremmel; Karen Hanklin; Megan Mitchell; Greg Johnson; Minetta White; Kass Kajura; Female Speaker; Male Speaker; Ace Washington; Ray Hartz; spoke in support of the assessment district. Male Speaker; Charles; Phil Perkins; spoke in opposition to the assessment district. There were no other speakers. The President continued the public hearing open to September 13, 2011, at 3:00 p.m., and reconvened as the Board of Supervisors.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to September 13, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Committee of the Whole Adjourn and Report

110739 [Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for 7 years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Resolution be CONTINUED to September 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Dave Lewis of Save the Bay in recognition of their 50th Anniversary, accomplishments, and continued community support.

COMMITTEE REPORTS

Recommendations of the Rules Committee

110591 [Settlement of Lawsuit - T-Mobile West Corporation]

Sponsor: Elsbernd

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West Corporation against the City and County of San Francisco on July 8, 2010, in the United States District Court for the Northern District of California, Case No. C-10-03011-CW; entitled T-Mobile West Corporation v. City and County of San Francisco, according to the terms set forth in the Settlement Agreement and subject to court approval of the parties' Stipulated Judgment; approving as part of the settlement a conditional use authorization enabling T-Mobile West Corporation to construct a wireless facility at 725 Taraval Street containing substantially fewer antennas than originally proposed and subject to all City required conditions; and making environmental findings.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Avalos, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 4 - Avalos, Campos, Mar, Mirkarimi

110596 [Settlement of Claim - Shatese Stewart - $250,000]

Ordinance authorizing settlement of all claims in the lawsuit filed by Shatese Stewart against the City and County of San Francisco for $250,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC-09-494967; entitled Shatese Stewart v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110694 [Settlement of Lawsuit - Jorei Enterprises, LLC - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for $125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110714 [Settlement of Lawsuit - Arash Ghanadan - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for $50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110582 [Settlement of Claim - Weintraub Capital Management, LP - $117,470.45]

Resolution approving the settlement of the unlitigated claim filed by Weintraub Capital Management, LP against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of $117,470.45; claim was filed on January 25, 2011. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110713 [Settlement of Unlitigated Claim - Ned Bresnahan - $265,000]

Resolution approving the settlement of the unlitigated claim filed by Ned Bresnahan against San Francisco for $265,000; claim was filed on March 28, 2011.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110715 [Settlement of Unlitigated Claims - Pearl Howell - $80,000]

Resolution approving the settlement of unlitigated claims (DFEH No. E201011M0352 and EEOC Charge No. 550-2010-01808) filed by Pearl Howell against the City and County of San Francisco for $80,000; claims were filed on September 15 and 16, 2010. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110506 [Police, Planning, and Business and Tax Regulations Codes - Limited Live Performance Permits]

Sponsors: Mirkarimi; Wiener, Mar and Campos

Ordinance amending the San Francisco Police Code Sections 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, and 2916; adding to the San Francisco Police Code Sections 1060.2.1, 1060.3.1, 1060.5.1, 1060.38, and 1060.38.1; amending the San Francisco Planning Code Sections 102.17, 703.2, 790.38, 803.2, 803.3, and 890.37; and amending the San Francisco Business and Tax Regulations Code Section 8 to 1) create a Limited Live Performance Permit for indoor locales whose primary function is not presentation of live performances, said permit to include noise and hours restrictions but not necessarily security plan requirements; 2) to specify application and license fees and hearing requirements for said permit; and 3) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to August 2, 2011. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Farrell, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Cohen, Elsbernd, Wiener

110592 [Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial Controls]

Sponsors: Mar; Avalos

Ordinance amending the San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to: 1) allow one additional eating and drinking use as principally permitted in the Inner Clement Neighborhood Commercial Districts and allow any additional eating and drinking use in that district as conditionally permitted; 2) allow eating and drinking uses in the Outer Clement Neighborhood Commercial District with a conditional use permit; 3) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking uses in the Geary Boulevard Fast-Food Subdistrict; 4) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts; and 5) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Supervisor Wiener dissented in committee.)

Supervisor Avalos requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Mirkarimi
Noes: 3 - Chu, Elsbernd, Wiener

110769 [Transportation Code - Car Share Vehicle Parking Restrictions]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Transportation Code, Division I, Articles 7 and 8, Division I, by: 1) adding Section 7.2.52 to establish a violation for unauthorized vehicles to park in a designated car share parking space; and 2) amending Section 8.1 to permit the removal of vehicles parked in violation of Section 7.2.52.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110813 [CEQA Findings for Firehouse Improvements]
Sponsors: Mayor; Chiu
Resolution of the Board of Supervisors of the City and County of San Francisco determining and making certain findings under the California Environmental Quality Act relating to the construction and improvement of certain firehouses and determining other matters related thereto.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Budget and Finance Sub-Committee

110749 [Administrative, Business and Tax Regulations Codes - 0.50% Sales Tax Increase to Fund Public Safety Programs and Services to Children and Seniors]
Sponsors: Mayor; Chiu, Cohen, Mirkarimi and Wiener
Ordinance amending the San Francisco Business and Tax Regulations Code by adding Article 16-A to provide funds for public safety programs and services to children and senior citizens in the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of ten years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; amending the Administrative Code by adding Section 10.100.321 establishing a special revenue fund; and directing submission of the tax for voter approval at the November 8, 2011, municipal election.
(Fiscal Impact; Economic Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Female Speaker; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Jonathon Gast, representing Congresswoman Jackie Speier; spoke in support of District 12.
Leon Walker; expressed various concerns relating to South Park.
Laverne Woods; expressed various concerns relating to South Park.
Michael MacTrellis; expressed various concerns relating to gay rights.
Male Speaker; expressed various concerns relating to harassment.
Emil Lawrence; expressed various concerns.
Nancy Cross; expressed various concerns relating to homelessness.
Mark; spoke in support of legislation relating to credit card charges to taxi cab drivers.
John Heim; spoke in support of legislation relating to credit card charges to taxi cab drivers.
David Kaan; spoke in support of legislation relating to credit card charges to taxi cab drivers.
Ray Hartz; expressed concerns relating to government.
Peter Warfield; expressed concerns relating to the SF Public Library.
Otto Duffy; expressed various concerns relating to the Federal budget.
Larry Mamood; spoke in support of legislation relating to credit card charges to taxi cab drivers.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY

110868 [Closed Session - Potential Litigation - Health Care Security Ordinance]

Sponsor: Campos

Motion that the Board of Supervisors convene in closed session on July 26, 2011, to consult with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation against the City involving amendments to the Health Care Security Ordinance. Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d) (2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M11-123

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 5:59 p.m. to convene in closed session pursuant to the above motion with the following attendance: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Vince Chhabria, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and Filed.

RECONVENING OF THE BOARD

The Board reconvened at the hour of 7:00 p.m. with the following attendance: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Chu, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

CALLED FROM COMMITTEE

110546 [Administrative Code - Health Care Security Ordinance]

Sponsors: Campos; Mar, Avalos, Mirkarimi, Cohen, Chiu and Kim

Ordinance amending the San Francisco Administrative Code by amending Sections 14.1, 14.3, and 14.4 of the Health Care Security Ordinance to provide that only amounts actually paid or irrevocably committed to pay for providing employee health care services shall satisfy the employer expenditure requirements of the Ordinance, add an employee notification requirement, and to modify penalty provisions.
(Economic Impact)

Supervisor Campos, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to August 2, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110859 [Approval of a 90 Day Extension for Planning Commission Review]

Sponsor: Chiu

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a Ordinance amending the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to: 1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions from required parking under specified circumstances; 5) amend the restrictions on off-street parking rates and extend them to additional zoning districts; 6) revise sign, awning, canopy and marquee controls in specified zoning districts; 7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts; 8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts; 9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain exceptions from exposure and open space requirements for historic buildings; and 11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

110860 [Approval of a 90 Day Extension for Planning Commission Review]

Sponsor: Chiu

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a Ordinance amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

110865 [Pedicab Fare Schedule - Cabrio Taxi]

Sponsor: Chiu

Resolution approving the pedicab fare schedule for Cabrio Taxi.

ADOPTED

110866 [Commending the 50th Anniversary of Save the Bay]

Sponsors: Chiu; Mar

Resolution commending Save the Bay on its 50th Anniversary in 2011.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

110867 [Accept and Expend Grant - Criminal Restitution Compact - $85,658.40]

Sponsor: Cohen

Resolution authorizing the Department of the District Attorney to retroactively contract for, accept, and expend up to $85,658.40 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2011, through June 30, 2012

ADOPTED

110839 [Final Map 4456: 833 - 835 Jamestown Avenue]

Motion approving Final Map 4456, a 198 Residential Unit Condominium Project, located at 833-835 Jamestown Avenue being a subdivision of Lot 277 in Assessors Block No. 4991; adopting findings pursuant to the General Plan and City Planning Code Section 101.1; conditionally accepting offers of easements; and approving a Public Improvement Agreement related to the Final Map. (Public Works Department)

Motion No. M11-122

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that File No. 110740 be severed so that it may be considered separately.

110740 [Urging the United States Food and Drug Administration to Ban Menthol in Tobacco Products]

Sponsors: Cohen; Mar and Avalos

Resolution urging the U.S. Food and Drug Administration to ban menthol in cigarettes and other tobacco products.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Chu

Supervisor Campos requested that File No. 110743 be severed so that it may be considered separately.

110743 [Urging the Municipal Transportation Agency to Halt Action on the Transfer of Credit Card Charges to Taxi Cab Drivers]

Sponsors: Campos; Mar, Avalos and Mirkarimi

Resolution urging the San Francisco Municipal Transportation Agency to reconsider and abandon the decision to shift the burden of credit card merchant charges to the City cab drivers.

Supervisor Mirkarimi requested to be added as a co-sponsor.

FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Supervisor Elsbernd requested that File No. 110869 be severed so that it may be considered separately.

110869 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 8, 2011, Consolidated General Municipal Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 8, 2011, Consolidated General Municipal Election. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be CONTINUED AS AMENDED to August 2, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110692 [Settlement of Lawsuit - West Bay Builders, Inc. - City to Retain $900,000]

Ordinance authorizing settlement of the lawsuit entitled West Bay Builders, Inc. v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-10-503366, arising from a breach of contract dispute regarding Contract No. 6159A for construction of a new Recreation and Park Department (RPD) facility known as the Minnie and Lovie Ward Recreation Center and Ocean View Park, for which West Bay Builders, Inc. (West Bay) served as the prime contractor, calling for the RPD to retain $900,000 from the contract balance and including other material terms of said settlement. (City Attorney)

07/19/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110390 [Suit Against Responsible Relatives of Recipient of Services at City Hospitals to Recover Value of Services]

Resolution authorizing Tax Collector Attorney to file suit against responsible relatives to recover value of services rendered at hospital facilities operated by the San Francisco Department of Public Health. (Treasurer-Tax Collector)

07/19/11; RECEIVED AND ASSIGNED to Rules Committee.

110695 [Lease and Use Agreement - Cathay Pacific Airways Limited]
Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L-10-0081 with Cathay Pacific Airways Limited for lounge space in the International Terminal of San Francisco International Airport. (Airport Commission)

07/19/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110778 [Lease of Real Property - 1360 Mission Street]
Resolution authorizing the lease of 1360 Mission Street, Suite 401, for the Department of Public Health. (Real Estate Department)

07/18/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110870 [Engineering Design Agreement No. CS-879A - Water System Improvement Program - Not to Exceed $14,000,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879A for Water System Improvement Program (WSIP)-funded projects with total revised agreement amounts not to exceed $14,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

07/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110871 [Engineering Design Agreement No. CS-879B - Water System Improvement Program - Not to Exceed $15,000,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879B for Water System Improvement Program (WSIP)-funded projects with total revised agreement amounts not to exceed $15,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

07/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110872 [Engineering Design Agreement No. CS-879C - Water System Improvement Program - Not to Exceed $16,500,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879C for Water System Improvement Program (WSIP)-funded projects with total revised agreement amounts not to exceed $16,500,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

07/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110873 [Management Services Agreement No. CS-914 - Water System Improvement Program - Not to Exceed $30,000,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Bay Division Region Construction Management Services Agreement No. CS-914 for Water System Improvement Program (WSIP)-funded projects with total revised agreement amounts not to exceed $30,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

07/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110874 [Management Services Agreement No. CS-918 - Water System Improvement Program - Not to Exceed $17,500,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase New Irvington Tunnel Construction Management Services Agreement No. CS-918 for Water System Improvement Program (WSIP)-funded projects with total revised agreement amounts not to exceed $17,500,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

07/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110875 [Management Services Agreement No. CS-963 - Water System Improvement Program - Not to Exceed $34,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Program Construction Management Services Agreement No. CS-963 for Water System Improvement Program (WSIP)-funded projects with total revised agreement amounts not to exceed $34,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

07/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:04 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT
AUG - 4 2011
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, August 2, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Kim, Chu, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.

Supervisor Kim was noted present at 2:13 p.m.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of June 28, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Land Use and Economic Development Committee

110769 [Transportation Code - Car Share Vehicle Parking Restrictions]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Transportation Code, Division I, Articles 7 and 8, by: 1) adding Section 7.2.52 to establish a violation for unauthorized vehicles to park in a designated car share parking space; and 2) amending Section 8.1 to permit the removal of vehicles parked in violation of Section 7.2.52.

FINALLY PASSED

Recommendation of the Budget and Finance Sub-Committee

110749 [Administrative, Business and Tax Regulations Codes - 0.50% Sales Tax Increase to Fund Public Safety Programs and Services to Children and Seniors]

Sponsors: Mayor; Chiu, Cohen, Mirkarimi and Wiener

Ordinance amending the San Francisco Business and Tax Regulations Code by adding Article 16-A to provide funds for public safety programs and services to children and senior citizens in the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of ten years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; amending the Administrative Code by adding Section 10.100.321 establishing a special revenue fund; and directing submission of the tax for voter approval at the November 8, 2011, municipal election.
(Fiscal Impact; Economic Impact.)

Ordinance No. 164-11

FINALLY PASSED

Recommendations of the Rules Committee

110596 [Settlement of Claim - Shatese Stewart - $250,000]

Ordinance authorizing settlement of all claims in the lawsuit filed by Shatese Stewart against the City and County of San Francisco for $250,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC-09-494967; entitled Shatese Stewart v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

110694 [Settlement of Lawsuit - Jorei Enterprises, LLC - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for $125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco. (City Attorney)

FINALLY PASSED

110714 [Settlement of Lawsuit - Arash Ghanadan - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for $50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

110823 [Appointment, Eastern Neighborhood Citizens Advisory Committee - L Joseph Boss]

Motion appointing L Joseph Boss, term ending October 19, 2013, to the Eastern Neighborhood Citizen Advisory Committee. (Clerk of the Board)
L Joseph Boss, seat 3, succeeding Susan Eslick, resigned, must be nominated by District 10 Supervisor and confirmed by the full Board, for the unexpired portion of a four-year term ending October 19, 2013.

Motion No. M11-124

APPROVED

110824 [Appointments, Child Care Planning and Advisory Council - Karen Burch, Marjorie Weiss, and Barbara Manzanares]

Motion appointing Karen Burch, Marjorie Weiss, and Barbara Manzanares, terms to be determined, to the Child Care Planning and Advisory Council. (Clerk of the Board)
Karen Burch, seat 1, succeeding Margaret Jerene, term expired, must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for a three-year term to be determined.
Marjorie Weiss, seat 7, succeeding Juanita Santana, term expired, must be a nominee of District 7 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "community representative," for a three-year term to be determined.
Barbara Manzanares, seat 11, succeeding Pamela Tate-Roger, resigned, must be a nominee of District 11 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for a three-year term to be determined.

Motion No. M11-125

APPROVED

110830 [Appointments, Citizen's Advisory Committee for the Central Market Street and Tenderloin Area - Nella Manuel, Robert Marquez, Dina Hilliard, and LJ Cirillo]

Motion appointing Nella Manuel, Robert Marquez, Dina Hilliard, and LJ Cirillo, terms to be determined, to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. (Clerk of the Board)

Nella Manuel, seat 4, new appointment, must be a senior or disabled resident of the Central Market Street and Tenderloin Area or in District 6 bounded on the southern side by 13th Street and Townsend Street, for a term to be determined.

Robert Marquez, seat 6, new appointment, must represent a community-based organization or provide direct services to the Central Market Street and Tenderloin Area or in District 6, bounded on the southern side by 13th Street and Townsend Street, for a term to be determined.

Dina Hilliard, seat 7, new appointment, must have small business expertise and familiarity with the Central Market Street and Tenderloin Area, for a term to be determined.

LJ Cirillo, seat 8, new appointment, must have expertise on homelessness, transitional age youth, or supportive housing and familiarity with the Central Market Street and Tenderloin Area or in District 6, bounded on the southern side by 13th Street and Townsend Street bounded, for a term to be determined.

Motion No. M11-126

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110503 [Administrative Code - Regulating Overtime Available for City Employees]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 20% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to September 6, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110528 [Feeder Agreement - BART]

Resolution approving the Feeder Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District for payment for transfer trips, with a term from July 1, 2009, to June 30, 2010. (Municipal Transportation Agency)

Privilege of the floor was granted to Sonali Bose (Municipal Transportation Agency) who responded to questions raised throughout the discussion.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110506 [Police, Planning, and Business and Tax Regulations Codes - Limited Live Performance Permits]

Sponsors: Mirkarimi; Wiener, Mar and Campos

Ordinance amending the San Francisco Police Code Sections 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, and 2916; adding to the San Francisco Police Code Sections 1060.2.1, 1060.3.1, 1060.5.1, 1060.38, and 1060.38.1; amending the San Francisco Planning Code Sections 102.17, 703.2, 790.38, 803.2, 803.3, and 890.37; and amending the San Francisco Business and Tax Regulations Code Section 8 to 1) create a Limited Live Performance Permit for indoor locales whose primary function is not presentation of live performances, said permit to include noise and hours restrictions but not necessarily security plan requirements; 2) to specify application and license fees and hearing requirements for said permit; and 3) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED on Page 36, beginning on Line 7, by adding '(b) No extension may be granted pursuant to subjection (a), above, for Limited Live Performance Permits granted in the following areas: the North Beach Neighborhood Commercial District as defined in Planning Code Section 722.1; and the Polk Street Neighborhood Commercial District as defined in Planning Code Section 723.1.' The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Farrell, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED on Page 36, beginning on Line 7, following the previous amendment, by adding '; the Union Street Neighborhood Commercial District as defined in Planning Code Section 725.1; the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street, and the north side of Lombard Street, between Fillmore Street and Divisadero Street.' The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Farrell, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED on Page 31, beginning on Line 25, by adding '(2) The Director shall provide a copy of all Limited Live Performance Permit applications and the corresponding public hearing notices within a specified geographic area to any Person who, in writing or by email, requests such and identifies the area. Such applications and notices shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of the request if the request is less than 30 days prior to the hearing.' The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110592 [Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial Controls]

Sponsors: Mar; Avalos

Ordinance amending the San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to: 1) allow one additional eating and drinking use as principally permitted in the Inner Clement Neighborhood Commercial Districts and allow any additional eating and drinking use in that district as conditionally permitted; 2) allow eating and drinking uses in the Outer Clement Neighborhood Commercial District with a conditional use permit; 3) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking uses in the Geary Boulevard Fast-Food Subdistrict; 4) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts; and 5) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Mirkarimi
Noes: 3 - Chu, Elsbernd, Wiener

Recommendation of the Rules Committee

110591 [Settlement of Lawsuit - T-Mobile West Corporation]

Sponsor: Elsbernd

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West Corporation against the City and County of San Francisco on July 8, 2010, in the United States District Court for the Northern District of California, Case No. C-10-03011-CW; entitled T-Mobile West Corporation v. City and County of San Francisco, according to the terms set forth in the Settlement Agreement and subject to court approval of the parties' Stipulated Judgment; approving as part of the settlement a conditional use authorization enabling T-Mobile West Corporation to construct a wireless facility at 725 Taraval Street containing substantially fewer antennas than originally proposed and subject to all City required conditions; and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 3 - Avalos, Campos, Mar

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FINALLY PASSED by the following vote:

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 4 - Avalos, Campos, Mar, Mirkarimi

CALLED FROM COMMITTEE

110546 [Administrative Code - Health Care Security Ordinance]

Sponsors: Campos; Mar, Avalos, Mirkarimi, Cohen, Chiu and Kim

Ordinance amending the San Francisco Administrative Code by amending Sections 14.1, 14.3, and 14.4 of the Health Care Security Ordinance to provide that only amounts actually paid or irrevocably committed to pay for providing employee health care services shall satisfy the employer expenditure requirements of the Ordinance, add an employee notification requirement, and to modify penalty provisions.
(Economic Impact)

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Chiu, Cohen

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110594 [Administrative Code - Enforcement of Minimum Wage Law by the Office of Labor Standards Enforcement]

Sponsors: Campos; Mar, Avalos, Chiu, Mirkarimi and Kim

Ordinance amending the San Francisco Administrative Code Sections 12R.5, 12R.7, 12R.16, 12R.17, 12R.18, and 12R.25 to: 1) enhance the Office of Labor Standards Enforcement's enforcement of the City's Minimum Wage Ordinance by clarifying agency access to places of employment; 2) require a policy to resolve complaints or initiate enforcement actions within one year; 3), raise the penalty for employer retaliation; 4) impose a penalty for failure to post minimum wage rates; 5) provide for posting notice to employees upon commencement of an investigation and public posting of employer non-compliance, and impose penalties for violation of these posting requirements; 6) impose a penalty for failure to provide employer's name, address, and telephone number to employees; 7) allow for back wages held in escrow for an employee for three years or more to be used to enforce the Minimum Wage Ordinance or other laws enforced by the Office of Labor Standards Enforcement if the Office of Labor Standards Enforcement cannot locate the employee; 8) provide authority to immediately issue an administrative citation upon sufficient evidence of certain violations; and 9) require industry-focused outreach materials for employees.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110583 [Administrative Code - Cash Difference and Overage Funds]

Ordinance amending the San Francisco Administrative Code Section 10.82 to: 1) authorize the Controller to establish cash difference and overage funds for the use of any county officer or department head or judicial district handling judicial funds; 2) to increase, reduce, or discontinue the funds; 3) require any county officer or department head using such funds to report to the Controller; and 4) require the Controller to annually report to the Board of Supervisors regarding the cash difference and overage funds. (Treasurer-Tax Collector)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110217 [Purchase Agreement - Permanent Access Road Easement and Temporary Construction Easement - San Joaquin County - $10,000]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement and a temporary construction easement over, on, and in portions of Assessor's Parcel Nos. 253-170-05 located in San Joaquin County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $10,000; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110428 [Purchase Agreement - Permanent Tie-Back Easement and Temporary Construction Easement - San Mateo County - $87,570]

Resolution approving and authorizing an agreement for the purchase of a permanent tie-back easement and a temporary construction easement over, on, and in portions of Assessor's Parcel No. 038-200-020 located in the Town of Hillsborough, San Mateo County, and required for the Crystal Springs Pipeline No. 2 Replacement Project, known as Project No. CUW37801, for a purchase price of $87,570; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110429 [Purchase Agreement - Two Permanent Access Road Easements and Two Temporary Construction Easements - San Joaquin County - $83,900]

Resolution approving and authorizing an agreement for the purchase of a two permanent access road easements and two temporary construction easements over, on, and in portions of Assessor's Parcel Nos. 253-270-17, 19, 21, 24, and 25 located in San Joaquin County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $83,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110721 [Mortgage Revenue Bonds - 121 Golden Gate Avenue - Not to Exceed $26,000,000]

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (City) to: 1) reimburse certain expenditures from proceeds of future bonded indebtedness; 2) authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $26,000,000 for 121 Golden Gate Avenue (121 Golden Gate Avenue Senior Community); 3) authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; 4) authorizing the Director to certify to CDLAC that the City has on deposit the required amount; 5) authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; 6) approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $26,000,000; 7) authorizing and directing the execution of any documents necessary to implement this Resolution; and 8) ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110723 [Contract Amendment - Transbay Joint Powers Authority - Transbay Transit Center Program Services - Not to Exceed $3,280,677]

Sponsor: Kim

Resolution approving the First Amendment to Contract No. CS -159 between the San Francisco Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center Program Services pursuant to Charter Section 9.118 in an amount not to exceed $3,280,677, retroactive to August 9, 2010.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110724 [Exchange and Conveyance of Real Property - Folsom and Essex Streets Intersection]

Sponsor: Kim

Resolution 1) approving the exchange of a portion of City property located near the intersection of Folsom Street and Essex Street with a portion of abutting real property owned by 515 Folsom Street LLC; 2) adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3) authorizing other actions in furtherance of this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110726 [Agreement - Serco, Inc. - SFpark Pilot Project - Not to Exceed $44,080,000]

Sponsor: Wiener

Resolution approving the Fourth Amendment to the Agreement with Serco, Inc., to: 1) replace, upgrade, and add parking meters; 2) conduct an education campaign and expand the pilot testing of new residential parking management strategies in support of the SFpark Pilot Project; and 3) to increase the contract not-to-exceed amount by $22,000,000 utilizing a loan from the Metropolitan Transportation Commission for a total not-to-exceed amount of $44,080,000.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110736 [Real Property - Office of the Chief Medical Examiner Relocation - 1 Newhall Street - $5,304,500]

Sponsor: Mayor

Resolution authorizing the execution and performance of an option to purchase the approximately 33,000 square foot industrial building and land at 1 Newhall Street for $5,304,500 contained in a lease dated for reference December 20, 2006, by and between 1 Newhall, LLC, as Landlord, and the City and County of San Francisco, as tenant; adopting findings under the California Environmental Quality Act and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110812 [Contract Amendment - Cypress Security, LLC - Security Services - an Additional $17,100,000]

Sponsor: Wiener

Resolution authorizing the San Francisco Municipal Transportation Agency to amend an expenditure contract with Cypress Security, LLC, to add an additional $17,100,000 to continue security services for an additional three years.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110862 [TIDA Contract Amendment - AMEC Geomatrix, Inc. - Retroactively Extending Term through June 30, 2012]

Sponsor: Mayor

Resolution approving an amendment to the contract between the Treasure Island Development Authority and AMEC Geomatrix, Inc., to retroactively extend the term through June 30, 2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110863 [Extending Time to Consider Continuing Redevelopment Activities]

Sponsors: Mayor; Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Mirkarimi and Wiener

Resolution expressing the non-binding intent of the City and County of San Francisco to comply with Part 1.9 of the California Health and Safety Code, recently added by Assembly Bill 27, for the purpose of providing the Board of Supervisors with up to an additional month, until November 1, 2011, to consider adopting an ordinance allowing the City and County of San Francisco to continue to undertake state-authorized redevelopment activities by agreeing to make ongoing annual payments for the benefit of other taxing entities, including the San Francisco Unified School District and City College of San Francisco; and adopting findings that the Resolution is not a project under the California Environmental Quality Act.

Supervisor Kim, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110731 [Electricity Resource Plan Update]

Sponsors: Mayor; Cohen

Resolution endorsing an updated Electricity Resource Plan to provide a long-term vision of San Francisco's electricity future, to serve as a policy guide to be used in proposing and implementing specific actions related to electric energy programs and usage in San Francisco, and to identify potential steps toward achievement of San Francisco's goal of having zero greenhouse gas emissions from its electric usage by 2030.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110855 [Street Vacation - Resolution of Intention - Portion of Cayuga Avenue]

Sponsors: Mayor; Avalos

Resolution declaring the intention of the Board of Supervisors to vacate an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; and setting a hearing date of September 6, 2011, at 3:00 p.m., for all persons interested in the proposed vacation of said public right-of-way.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Public Safety Committee

110732 [Executive Committee of the Corrections Partnership for Criminal Justice Realignment Appointment]

Sponsors: Mayor; Mirkarimi

Resolution appointing the San Francisco Department of Public Health to the Executive Committee of the San Francisco Community Corrections Partnership for the purpose of developing an implementation plan for criminal justice realignment.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110735 [County Agency Responsible for Implementation of Post-Release Community Supervision Interim Designation]

Sponsors: Mayor; Mirkarimi

Resolution designating, on an interim basis, the San Francisco Adult Probation Department as the county agency responsible for implementing post-release community supervision until an ordinance designating the San Francisco Adult Probation Department as the post-release community supervision authority is considered and adopted by the Board of Supervisors.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110622 [Administrative Code - Allowing Paid Administrative Leave in Certain Circumstances]

Ordinance amending the San Francisco Administrative Code by adding Section 16.10 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances. (Human Resources Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110690 [Committee of the Whole - Public Hearing on Special Assessment of Liens for Assessment of Cost]

Hearing of persons interested in or objecting to proposed Resolution confirming Report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Alan Davison (Department of Building Inspection) provided an overview of the assessments. Female Speaker; Mark Ramirez; Mr. Shotz; Tyrone Navarro (Department of Public Health); Male Speaker; Walter Paulson; spoke objecting to the proposed assessments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110691 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming Report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Building Inspection Commission)

Alan Davison (Department of Building Inspection) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment: 4801 3rd Street; 1855 10th Avenue; 3850 17th Street; 3864-3868 24th Street; 689 26th Avenue; 519 47th Avenue; 80 Alviso Street; 65 Badger Street; 601 Bosworth Street; 460 Bryant Street; 1522 Bush Street; 1012 Chenery Street; 619 Diamond Street; 85 Farallones Street; 314 Flood Avenue; 2332-36 Fulton Street; 1117 Geary Blvd.; 1122 Gilman Avenue; 1884 Green Street; 2175 Greenwich Street; 587 Haight Street; 1314 Hawes Street; 1429V Hyde Street; 2909 Jennings Street; 1084 Le Conte Avenue; 2640 Leavenworth Street; 246 Liberty Street; 58 Lobos Street; 631 Madrid Street; 3156 Mission Street; 5530 Mission Street; 55 Natoma Street; 215 Noe Street; 165 O'Farrell Street; 466 Paris Street; 32 Peralta Avenue; 130 Pope Street; 7 Seymour Street; 75 Staples Avenue; 1335 Stevenson Street; 290 Townsend Street; 548 Valencia Street; 552 Valencia Street; 65 Valley Street; 3800 Washington Street; 3810 Washington Street. The amendments to the accompanying report, as provided by the Department of Building Inspection, included in File No. 110691, were received without objection.

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Peter Thorp, a local teacher who started a successful girl's school in Rwanda in January 2011, in recognition of his accomplishments and continued community support. Supervisors Mar and Campos shared in the recognition.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Jen Holland of Lindy in the Park in recognition of her accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Gregg Sass of the Department of Public Health in recognition of his 10 years of service to the City and County of San Francisco as Chief Financial Officer upon his retirement.

SPECIAL ORDER 4:00 P.M.

110759 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 1945 Hyde Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 27, 2011, Case No. 2010.0162E, that a project located at 1945 Hyde Street is exempt from environmental review under Categorical Exemption, Class 32 (State CEQA Guidelines Section 15332). The project site currently contains a 19,739-square-foot, two-story over basement parking garage constructed in 1920, containing 58 off-street parking spaces providing both long-term and short term parking. The proposed project would convert the building into a three-story over basement, seven-unit residential building, with 17 parking spaces provided by stackers, and one approximately 860 square-foot commercial space along Hyde Street. The existing height of the building is 32 feet and the proposed third floor addition would increase the height to 40 feet. Modifications to the building would include conversion of the front vehicular access arches into retail entrances and conversion of an arch on Russell Street into the proposed off-street parking garage entrance. The proposed 17 space parking garage would function as a combination of the following: residential parking, community monthly parking, or hourly parking, with one dedicated car-share space. Additionally, the proposed project would increase the gross-square-footage of the building from 19,739 to 25,187 square feet, Assessor's Block No. 0123, Lot No. 002. (District 3) (Appellant: Jamie Cherry on behalf of the Russian Hill Community Association). (Clerk of the Board)

(Filed July 13, 2011; Companion Measure to File Nos. 110760, 11761 and 110762.)

The President inquired as to whether any member of the public wished to address the Board. The President indicated written communications were received from the Appellants further indicating there would be no representatives from the Appellants at the hearing. Walter Paulson; spoke in support of the appeal. Sarah Jones (Planning Department) provided an overview of the decision of the Planning Department. Steve Vettel (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. There was no rebuttal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110760 [Affirming the Exemption Determination - 1945 Hyde Street]

Motion affirming the determination by the Planning Department that a project located at 1945 Hyde Street is exempt from environmental review. (Clerk of the Board)

Motion No. M11-129

Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110761 [Reversing the Exemption Determination - 1945 Hyde Street]

Motion reversing the determination by the Planning Department that a project located at 1945 Hyde Street is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110762 [Preparation of Findings to Reverse the Exemption Determination - 1945 Hyde Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 1945 Hyde Street is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

110831 [Public Hearing - Appeal of Tentative Map - 1621 Montgomery Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated July 6, 2011, approving a Tentative Map for a 4-unit commercial condominium subdivision located at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310. (District 3) (Appellant: Sandra M. Bonato on behalf of the Lombard Plaza Owners Association). (Clerk of the Board)
(Filed July 15, 2011; Companion Measure to File Nos. 110832, 110833, and 110834.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance. Steven Weil (Appellant) and Ralph Kertstetter (Project Sponsor) both spoke in favor of the continuance. There were no other speakers.

Supervisor Mirkarimi, seconded by Supervisor Chu, moved that this Hearing be CONTINUED open to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to September 6, 2011, at 2:30 p.m.

110832 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1621 Montgomery Street]

Motion finding the Tentative Parcel Map for a 4-unit commercial condominium subdivision located at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map.

Supervisor Mirkarimi, seconded by Supervisor Chu, moved that this Motion be CONTINUED to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110833 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1621 Montgomery Street]

Motion finding the Tentative Parcel Map for a 4-unit commercial condominium subdivision located at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Chu, moved that this Motion be CONTINUED to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110834 [Findings Related to the Tentative Parcel Map Disapproval - 1621 Montgomery Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-unit commercial condominium subdivision at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310.

Supervisor Mirkarimi, seconded by Supervisor Chu, moved that this Motion be CONTINUED to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

110835 [Public Hearing - Appeal of Tentative Parcel Map - 1171 Sansome Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 30, 2011, approving a Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (District 3) (Appellants: John M. Sanger, Catherine Sanger, David Davies, and Jack Weeden). (Clerk of the Board) (Filed July 11, 2011; Companion Measure to File Nos. 110836, 110837, and 110838.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Chu, seconded by Supervisor Cohen, moved that this Hearing be CONTINUED open to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to September 6, 2011, at 2:30 p.m.

110836 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1171 Sansome Street]

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Cohen, moved that this Motion be CONTINUED to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110837 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1171 Sansome Street]

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Cohen, moved that this Motion be CONTINUED to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110838 [Findings Related to the Tentative Parcel Map Disapproval - 1171 Sansome Street]
Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Cohen, moved that this Motion be CONTINUED to September 6, 2011, at 2:30 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

110688 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "The Parkmerced: Government by Developer"]
Sponsor: Campos
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "The Parkmerced Vision: Government by Developer" and urging the Mayor to cause the implementation of accepted findings and recommendations through his department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:
Ayes: 9 - Avalos, Chiu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Noes: 2 - Campos, Kim

Supervisor Avalos, seconded by Supervisor Kim, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED by the following vote:
Ayes: 7 - Chiu, Cohen, Elsbernd, Farrell, Mirkarimi, Wiener
Noes: 4 - Avalos, Campos, Kim, Mar

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

Recommendations of the Rules Committee

110772 [Resolution of Intention - West Portal Community Benefit District]

Sponsor: Elsbernd

Resolution 1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "West Portal Community Benefit District" and to levy a multi-year assessment on identified parcels in the district; 2) approving the management district plan and engineer's report and proposed boundaries map for the district; 3) ordering and setting a time and place for a public hearing thereon; 4) approving the form of the Notice of Public Hearing and Assessment Ballots; and 5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110844 [Appointments, Citizen's Advisory Committee for the Central Market Street and Tenderloin Area - Eva Pirring, Felica Denia, Steven Suzuki, Brad Paul, Mara Blitzer, Jesus Perez, and Linda Pierce]

Motion appointing seven members, terms to be determined, to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. (Clerk of the Board)

Motion No. M11-128

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the City Operations and Neighborhood Services Committee

110343 [Liquor License Expansion - 1168 Folsom Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Craig and Elizabeth Wathen, for the expansion of the City Beer Store into the adjacent office space located at 1168 Folsom Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110544 [Liquor License Transfer - 1423 Polk Street]

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 1060 Geary Street to 1423 Polk Street (District 3), to Lori Martens for KoKo Cocktails (dba the HI-LO Club), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110864 [Application Approval - Comprehensive HIV Prevention Programs - $8,085,800]
Sponsors: Mayor; Wiener

Resolution authorizing the Department of Public Health to submit a one-year application for calendar year 2012 to continue to receive funding for the "Comprehensive HIV Prevention Programs" grant from the Centers for Disease Control and Prevention, requesting $8,085,000 in HIV prevention funding for San Francisco; from January 1, 2012, through December 31, 2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Colin Gallagher; spoke in opposition to proposed legislation relating to secure communities.
Walter Paulson; shared in song certain concerns with the Board.
Emil Lawrence; expressed concerns relating to MTA Director recruitment.
Tracy Parrish; spoke in support of proposed legislation relating to Final Map No. 5580: 49-55 Columbus Avenue.
Michael Kim; spoke in support of proposed legislation relating to Final Map No. 5580: 49-55 Columbus Avenue.
Male Speaker; spoke in support of proposed legislation relating to Final Map No. 5580: 49-55 Columbus Avenue.
Male Speaker; spoke in support of proposed legislation relating to VetSTRONG.
Male Speaker; expressed various concerns.
Female Speaker; expressed various concerns relating to revenue generation.
Ray Hartz; expressed concerns relating to government.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110885 [Accept and Expend Grant - Maritime CCTV System Security Improvements - $45,000]
Sponsor: Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $45,000 from the Department of Homeland Security, FY2008 Infrastructure Protection Program Port Security Grant Program for the deployment of CCTV/intrusion detection system for the SFPD Marine Unit, the Harbor Master's small boat berthing area, and the fueling dock, all located at Hyde Street Harbor.

ADOPTED

110886 [Accept and Expend Grant - Improving Blood Safety and HIV Testing - $42,580]

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $42,580 from the Blood Systems, Inc., to participate in a program entitled "Improving Blood Safety and HIV Testing in Brazil: A Randomized Controlled Trial" for the period of April 12, 2011, through March 31, 2012.

ADOPTED

110887 [Accept and Expend Grant - Technical Assistance to Support President's Emergency Plan for Aid - $62,123]

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $62,123 from the University of California San Francisco, to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for Aid" for the period of April 1, 2011, through March 31, 2012.

ADOPTED

110888 [Accept and Expend Grant - Support for President's Emergency AIDS Plan - $72,877]

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $72,877 from the University of California San Francisco, to participate in a program entitled "Tanzania UCSF Technical Assistance to Support the President's Emergency Plan for AIDS" for the period of April 1, 2011, through March 31, 2012.

ADOPTED

110890 [Salvadoran's Day - August 6, 2011]

Sponsor: Avalos

Resolution proclaiming August 6, 2011, as Salvadoran's Day in the City and County of San Francisco to acknowledge the Salvadorian contributions in the Bay Area.

ADOPTED

110891 [Visitacion Valley Branch Library Grand Opening]

Sponsor: Cohen

Resolution recognizing the grand opening of the new Visitacion Valley Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

110889 [Suspending Board Rule 4.29 of the Rules of Order to Schedule Public Hearing(s) on Appeal(s) at 2:30 p.m. instead of 4:00 p.m. at the September 6, 2011, Board Meeting]

Motion suspending Board Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearing(s) on appeal(s) shall be scheduled at 2:30 p.m. rather than 4:00 p.m., at the September 6, 2011, Board Meeting. (Clerk of the Board)

Motion No. M11-132

APPROVED

110879 [Final Map 5570: 301-315 Moraga Street (formerly 1701-9th Avenue)]

Motion approving Final Map 5570, a 3 Lot Subdivision and 6 Residential Unit Condominium Project, located at 301-315 Moraga Street (formerly 1701-9th Avenue) being a subdivision of Lot No. 001 in Assessor's Block No. 2040; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-133

APPROVED

110880 [Final Map 6159: 130-23rd Avenue]

Motion approving Final Map 6159, a 6 Unit Residential Condominium Project, located at 130-23rd Avenue Street being a subdivision of Lot No. 037 in Assessor's Block No. 1382; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-134

APPROVED

110881 [Final Map 5209: 1301 Indiana Street and 1280 Minnesota Street]

Motion approving Final Map 5209, a Mixed-Use 32 Unit Residential and 3 Unit Commercial Condominium Project, located at 1301 Indiana Street and 1280 Minnesota Street being a subdivision of Lot No. 159 in Assessor's Block No. 4228; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-135

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 110689 be severed so that it may be considered separately.

110689 [Committee of the Whole - Public Hearing on Special Assessment of Liens for Assessment of Cost]

Motion directing the Board of Supervisors to hold a public hearing on August 2, 2011, at 3:00 p.m. with the Board sitting as a Committee of the Whole, to consider adopting a resolution confirming Report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110689. There were no speakers. The President declared public comment closed.

Motion No. M11-127

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd requested that File No. 110869 be severed so that it may be considered separately.

110869 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 8, 2011, Consolidated General Municipal Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 8, 2011, Consolidated General Municipal Election. (Clerk of the Board)

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Motion No. M11-130

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Farrell requested that File No. 110892 be severed so that it may be considered separately.

110892 [Commending VetSTRONG, the San Francisco Chapter of Returning Veterans of America, City College of San Francisco Veterans Alliance, and Our Veterans Club at San Francisco State University]

Sponsors: Farrell; Cohen, Chu, Elsbernd, Mar, Mirkarimi, Kim, Chiu, Campos and Avalos

Resolution commending VetSTRONG, the San Francisco Chapter of Returning Veterans of America, City College of San Francisco Veterans Alliance, and Our Veterans Club at San Francisco State University in their work to strengthen a community amongst Post 9-11 veterans, veteran resource providers, and residents of the City and County of San Francisco.

Supervisors Chiu, Campos, and Avalos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi requested that File Nos. 110894 and 110878 be severed so that they may be considered separately.

110894 [Urging the Suspension of or Termination of Agreements with Immigration and Customs Enforcement on the Police/ICE Collaboration Program Known as "Secure Communities" and Supporting AB 1081]

Sponsors: Mirkarimi; Campos, Mar, Chiu and Avalos

Resolution urging Governor Jerry Brown and Attorney General Kamala Harris to join the Governors of Illinois, Massachusetts, and New York in suspending or terminating agreements with Immigration and Customs Enforcement (ICE) on the Police/ICE collaboration program known as "Secure Communities" and to support Assembly Bill 1081, the TRUST Act - state legislation that would permit localities to opt out of the program.

Supervisor Avalos requested to be added as a co-sponsor.

Supervisor Chu, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to September 6, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110878 [Final Map 5580: 49-55 Columbus Avenue]

Sponsor: Chiu

Motion approving Final Map 5580, a Three Airspace Subdivision and 21 Unit Limited Equity Housing Cooperative, located at 49-55 Columbus Avenue being a subdivision of Lot No. 12 in Assessor's Block No. 195; adopting findings pursuant to the General Plan and City Planning Code Section 101.1; and approving a Notice of Conditions of Approval related to the Final Map. (Public Works Department)

Supervisor Chiu requested to be added as sponsor.

Motion No. M11-131

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110781 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2011-2012]
Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2012. (Controller)

07/21/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110782 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2012. (Controller)

07/21/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110783 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]
Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2012. (Controller)

07/21/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110784 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]
Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid transit District purposes for the FY ending June 30, 2012. (Controller)

07/21/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110785 [Planning Code - Zoning - Establishing Standards for Bird-Safe Buildings]
Ordinance amending the San Francisco Planning Code by adding Section 139 to: 1) establish standards for bird-safe buildings to help reduce injury and mortality in birds caused by certain types of new construction, replacement facades, and building features; 2) amending Section 145.1 to allow for exceptions to transparency and fenestration requirements to meet standards for bird-safe buildings; and 3) adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

07/22/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/1/2011.

110786 [Planning Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for large project authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

07/22/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/1/2011.

110787 [Administrative Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify the requirements for the Controller's assessment in order to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; and 2) making environmental findings. (Planning Commission)

07/22/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/1/2011.

110788 [Zoning Map Amendments - Eastern Neighborhoods Code Cleanup]

Ordinance amending Sheets ZN01, ZN07, ZN08, and SU08 of the San Francisco Zoning Map to: 1) correct technical errors made in Ordinance No. 299-08; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

07/22/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/1/2011.

PROPOSED RESOLUTION

110814 [CEQA Findings - SFPUC Water System Improvement Program - Rehabilitation of the Existing San Joaquin Pipelines Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program, related to the rehabilitation of the San Joaquin Pipelines Project, Project No. CUW37302; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

07/25/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:08 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

SEP - 9 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 6, 2011 - 2:00 PM

Hearing Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Kim, Chu, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of July 12, 2011, July 19, 2011, July 26, 2011, and August 2, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

110583 [Administrative Code - Cash Difference and Overage Funds]

Ordinance amending the San Francisco Administrative Code Section 10.82 to: 1) authorize the Controller to establish cash difference and overage funds for the use of any county officer or department head or judicial district handling judicial funds; 2) to increase, reduce, or discontinue the funds; 3) require any county officer or department head using such funds to report to the Controller; and 4) require the Controller to annually report to the Board of Supervisors regarding the cash difference and overage funds. (Treasurer-Tax Collector)

FINALLY PASSED

110594 [Administrative Code - Enforcement of Minimum Wage Law by the Office of Labor Standards Enforcement]

Sponsors: Campos; Mar, Avalos, Chiu, Mirkarimi and Kim

Ordinance amending the San Francisco Administrative Code Sections 12R.5, 12R.7, 12R.16, 12R.17, 12R.18, and 12R.25 to: 1) enhance the Office of Labor Standards Enforcement's enforcement of the City's Minimum Wage Ordinance by clarifying agency access to places of employment; 2) require a policy to resolve complaints or initiate enforcement actions within one year; 3), raise the penalty for employer retaliation; 4) impose a penalty for failure to post minimum wage rates; 5) provide for posting notice to employees upon commencement of an investigation and public posting of employer non-compliance, and impose penalties for violation of these posting requirements; 6) impose a penalty for failure to provide employer's name, address, and telephone number to employees; 7) allow for back wages held in escrow for an employee for three years or more to be used to enforce the Minimum Wage Ordinance or other laws enforced by the Office of Labor Standards Enforcement if the Office of Labor Standards Enforcement cannot locate the employee; 8) provide authority to immediately issue an administrative citation upon sufficient evidence of certain violations; and 9) require industry-focused outreach materials for employees.

FINALLY PASSED

Recommendations of the Rules Committee

110829 [Appointment, Mental Health Board - Lena Miller]

Motion appointing Lena Miller, term ending January 31, 2013, to the Mental Health Board. (Clerk of the Board)

Lena Miller, seat 15, succeeding Mary Ann Jones, must be a mental health professional, for the unexpired portion of a three-year term ending January 31, 2013.

Motion No. M11-136

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the Consent Agenda

Supervisor Chiu requested that File No. 110622 be severed so that it may be considered separately.

110622 [Administrative Code - Allowing Paid Administrative Leave in Certain Circumstances]

Ordinance amending the San Francisco Administrative Code by adding Section 16.10 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances. (Human Resources Department)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Ordinance amending the San Francisco Administrative Code by adding Section 16.17 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances. (Human Resources Department)

FINALLY PASSED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Sub-Committee

110503 [Administrative Code - Regulating Overtime Available for City Employees]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 20% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING to September 13, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110506 [Police, Planning, and Business and Tax Regulations Codes - Limited Live Performance Permits]

Sponsors: Mirkarimi; Wiener, Mar and Campos

Ordinance amending the San Francisco Police Code Sections 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, and 2916; adding to the San Francisco Police Code Sections 1060.2.1, 1060.3.1, 1060.5.1, 1060.38, and 1060.38.1; amending the San Francisco Planning Code Sections 102.17, 703.2, 790.38, 803.2, 803.3, and 890.37; and amending the San Francisco Business and Tax Regulations Code Section 8 to: 1) create a Limited Live Performance Permit for indoor locales whose primary function is not presentation of live performances, said permit to include noise and hours restrictions but not necessarily security plan requirements; 2) to specify application and license fees and hearing requirements for said permit; and 3) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Rules Committee

101574 [Elections Code - E-mailing the Voter Information Pamphlet]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Municipal Elections Code Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110806 [Administrative Code - Deleting Outdated References to Telecommunications Commission]

Ordinance repealing the San Francisco Administrative Code Section 11.84, thereby dissolving the Telecommunications Commission. (Clerk of the Board)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110809 [Administrative Code – Dissolving Drug Abuse and City-Wide Alcoholism Advisory Boards]

Ordinance repealing the San Francisco Administrative Code Sections 15.17 and 15.19, thereby dissolving the Drug Abuse Advisory Board and the City-Wide Alcoholism Advisory Boards, respectively. (Clerk of the Board)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110807 [Dissolving Presidio Neighborhood Representative Work Group]

Resolution repealing Resolution No. 668-01 to dissolve the "Presidio Neighborhood Representative Work Group." (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110808 [Dissolving Mayor's Criminal Justice Council]

Resolution repealing Resolution Nos. 89-71, 286-71, 359-71, 360-71, 608-71, 14-72, 578-72, 510-73, 934-74, 126-77, 26-78, 704-78, 412-82, 349-89, and 414-89, to dissolve the "Mayor's Criminal Justice Council." (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110810 [Dissolving Children's Collaborative Task Force]

Resolution repealing Resolution No. 358-07 to dissolve the "Children's Collaborative Task Force." (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110811 [Dissolving Arts Task Force]

Resolution repealing Resolution Nos. 781-04, 316-05, 402-05, 802-05, and 77-06, to dissolve the "Arts Task Force." (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 2:30 P.M.

110825 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 70 Gold Mine Drive]

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 12, 2009, Case No. 2008.1218E, that a project located at 70 Gold Mine Drive is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves demolition of an existing single-family residential building and construction of three residential units, Lot No. 033, in Assessor's Block No. 7520. (District 8) (Appellant: George Tsang)
(Filed July 21, 2011; Companion Measure to File Nos. 110826, 110827 and 110828.)

The President indicated receipt of a letter from the project sponsor, dated August 30, 2011, withdrawing their environmental application and categorical exemption.

TABLED BY OPERATION OF LAW

110826 [Affirming the Exemption Determination - 70 Gold Mine Drive]

Motion affirming the determination by the Planning Department that a project located at 70 Gold Mine Drive is exempt from environmental review.

TABLED BY OPERATION OF LAW

110827 [Reversing the Exemption Determination - 70 Gold Mine Drive]

Motion reversing the determination by the Planning Department that the 70 Gold Mine Drive project is exempt from environmental review.

TABLED BY OPERATION OF LAW

110828 [Preparation of Findings to Reverse the Exemption Determination - 70 Gold Mine Drive]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 70 Gold Mine Drive is exempt from environmental review.

TABLED BY OPERATION OF LAW

SPECIAL ORDER 2:30 P.M.

110835 [Public Hearing - Appeal of Tentative Parcel Map - 1171 Sansome Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 30, 2011, approving a Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (District 3) (Appellants: John M. Sanger, Catherine Sanger, David Davies, and Jack Weeden). (Clerk of the Board) (Filed July 11, 2011; Companion Measure to File Nos. 110836, 110837, and 110838.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance due to the related categorical exemption appeal scheduled for October 4, 2011. There were no speakers.

Supervisor Kim, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to October 4, 2011, at 4:00 p.m..

110836 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1171 Sansome Street]

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110837 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1171 Sansome Street]

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110838 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1171 Sansome Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 2:30 P.M.

110831 [Public Hearing - Appeal of Tentative Parcel Map - 1621 Montgomery Street]
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated July 6, 2011, approving a Tentative Parcel Map for a 4-unit commercial condominium subdivision located at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310. (District 3) (Appellant: Sandra M. Bonato on behalf of the Lombard Plaza Owners Association). (Clerk of the Board)
(Filed July 15, 2011; Companion Measure to File Nos. 110832, 110833, and 110834.)

The President indicated receipt of a letter from the appellant, dated September 1, 2011, withdrawing their appeal and inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110832 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1621 Montgomery Street]
Motion finding the Tentative Parcel Map for a 4-unit commercial condominium subdivision located at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map.

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110833 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1621 Montgomery Street]
Motion finding the Tentative Parcel Map for a 4-unit commercial condominium subdivision located at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110834 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1621 Montgomery Street]
Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-unit commercial condominium subdivision at 1621 Montgomery Street, Assessor's Block No. 0060, Lot No. 0310.

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 2:30 P.M.

110840 [Public Hearing - Appeal of Tentative Parcel Map - 8 Napier Lane/222-222A Filbert Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated July 14, 2011, approving a Tentative Parcel Map for a 3-unit condominium conversion located at 8 Napier Lane/222-222A Filbert Street, Assessor's Block No. 0085, Lot No. 007. (District 3) (Appellant: Terence Keene) (Clerk of the Board)
(Filed July 25, 2011; Companion Measure to File Nos. 110841, 110842, and 110843.)

The President indicated receipt of a settlement agreement from the appellant, dated September 6, 2011, thereby withdrawing their appeal and inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110841 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 8 Napier Lane/222-222A Filbert Street]

Motion finding the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 8 Napier Lane/222-222A Filbert Street, Assessor's Block No. 0085, Lot No. 007, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110842 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 8 Napier Lane/222-222A Filbert Street]

Motion finding the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 8 Napier Lane/222-222A Filbert Street, Assessor's Block No. 0085, Lot No. 007, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110843 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 8 Napier Lane/222-222A Filbert Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 8 Napier Lane/222-222A Filbert Street, Assessor's Block No. 0085, Lot No. 007. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 2:30 P.M.

110941 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 660-670 4th Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated July 7, 2011, Case No. 2010.1042C, that a project located at 660-670 4th Street is exempt from environmental review under Categorical Exemption, Class 3 (State CEQA Guidelines Section 15301). The proposed project involves installation of a wireless telecommunications facility consisting of ten new panel antennas and six new equipment cabinets on the rooftop of an existing mixed use building, Lot Nos. 104-160, in Assessor's Block No. 3786. (District 6) (Appellant: Jason Sanders)

(Filed July 25, 2011; Companion Measure to File Nos. 110942, 110943 and 110944.)

The President inquired as to whether any member of the public wished to address the Board. Jason Sanders (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Walter Paulson; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Amanda Monchamp and Bill Hammett (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Catherine Webster; Male Speaker; spoke in support of the project and in opposition to the appeal. Jason Sanders (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110942 [Affirming the Exemption Determination - 660-670 4th Street]

Motion affirming the determination by the Planning Department that the project located at 660-670 4th Street is exempt from environmental review.

Motion No. M11-137

Supervisor Kim, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110943 [Reversing the Exemption Determination - 660-670 4th Street]

Motion reversing the determination by the Planning Department that the 660-670 4th Street project is exempt from environmental review.

Supervisor Kim, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110944 [Preparation of Findings to Reverse the Exemption Determination - 660-670 4th Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 660-670 4th Street is exempt from environmental review.

Supervisor Kim, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110856 [Hearing - Street Vacation Order and Jurisdictional Transfer - Mandan Avenue and a Portion of Cayuga Avenue]

Hearing of persons interested in or objecting to the proposed Ordinance: 1) ordering the vacation of an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; 2) approving the jurisdictional transfer of such portion of public right-of-way from the Department of Public Works to the Recreation and Park Department; 3) approving the jurisdictional transfer of Mandan Avenue and portion of Cayuga Avenue, previously vacated by Board of Supervisors Resolution No. 5468, from the Department of Public Works to the Recreation and Park Department; 4) adopting environmental findings and findings that the actions contemplated herein are consistent with the City's General Plan and Planning Code Section 101.1; and 5) authorizing official acts in connection with this Ordinance. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole. John Updike, Acting Director of Real Estate, provided an overview of the street vacation. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

From the Land Use and Economic Development Committee Without Recommendation

110857 [Street Vacation Order and Jurisdictional Transfer - Mandan Avenue and a Portion of Cayuga Avenue]

Sponsors: Mayor; Avalos

Ordinance: 1) ordering the vacation of an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; 2) approving the jurisdictional transfer of such portion of public right-of-way from the Department of Public Works to the Recreation and Park Department; 3) approving the jurisdictional transfer of Mandan Avenue and portion of Cayuga Avenue, previously vacated by Board of Supervisors Resolution No. 5468, from the Department of Public Works to the Recreation and Park Department; 4) adopting environmental findings and findings that the actions contemplated herein are consistent with the City's General Plan and Planning Code Section 101.1; and 5) authorizing official acts in connection with this Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Carole Moore and Richard Bolingbroke of the Artists Guild of San Francisco in recognition of their 50th anniversary and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Colin Gallagher; expressed support for secure communities program.
Peter Alexander; expressed various concerns.
Doug Malar; expressed concerns relating treason.
Colleen Fernall; expressed concerns relating to emergency funding.
Walter Paulson; shared in song certain concerns with the Board.
Charlie Walker; expressed concerns relating to civil rights.
Ace Washington; expressed concerns relating to racism.
Female Speaker; expressed concerns relating to recent shootings and racial justice.
Rodger Scott; expressed concerns relating to recent shootings and racial justice.
Danny Garcia; expressed concerns relating to recent shootings and racial justice.
Lerry Felson; expressed concerns relating to recent shootings and racial justice.
DeBray Carpenter; expressed concerns relating to racial harassment.
Male Speaker; expressed concerns relating to racism.
Angelina Nickoletto; expressed concerns relating to recent shootings and racial justice.
Rita Okoyama; expressed concerns relating to civil rights.
Male Speaker; expressed various concerns.
Jake Harris; expressed concerns relating to recent shootings and racial justice.
Male Speaker; expressed various concerns relating to poverty.
Male Speaker; expressed concerns relating to terrorism.
Bruce Newberger; expressed concerns relating to recent shootings and racial justice.
Tom Gilberty; expressed concerns relating to garages and ventilation.
James Chaffee; expressed concerns relating to the SF Public Library and democracy.
George Tsang; expressed various concerns relating to Planning Department.
Male Speaker; expressed various religious concerns.
Joylene Richards; expressed concerns relating to recent shootings and racial justice.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110893 [KALW Day - September 8, 2011]

Sponsor: Mar

Resolution honoring KALW and proclaiming September 8, 2011, as "KALW Day" in the City and County of San Francisco.

ADOPTED

110922 [Lost Landmark Plaques for Uptown Tenderloin Historic District]

Sponsor: Kim

Resolution authorizing the placement of sidewalk plaques in front of nine locations in the Tenderloin neighborhood in accordance with Public Works Code Sections 789 et seq., the Commemorative Street Plaque Ordinance.

ADOPTED

110923 [Accept and Expend Grant - National Night Out - $3,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant from the Target Corporation in the amount of $3,000 to purchase supplies and handouts for National Night Out community events on August 2, 2011.

ADOPTED

110925 [Approval of a 30 Day Extension for Planning Commission Review]

Sponsor: Mirkarimi

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self- Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and 7) making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File No. 110894 be severed so that it may be considered separately.

110894 [Urging the Suspension of or Termination of Agreements with Immigration and Customs Enforcement on the Police/ICE Collaboration Program Known as "Secure Communities" and Supporting AB 1081]

Sponsors: Mirkarimi; Campos, Mar, Chiu, Avalos and Kim

Resolution urging Governor Jerry Brown and Attorney General Kamala Harris to join the Governors of Illinois, Massachusetts, and New York in suspending or terminating agreements with Immigration and Customs Enforcement (ICE) on the Police/ICE collaboration program known as "Secure Communities" and to support Assembly Bill 1081, the TRUST Act - state legislation that would permit localities to opt out of the program.

Supervisor Kim requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Kim, moved that this Resolution be REFERRED to the Public Safety Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110964 [Ortega Branch Library Grand Opening - September 10, 2011]

Sponsor: Chu

Resolution recognizing the grand opening of the new Ortega Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110964. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Chu, seconded by Supervisor Elsbernd, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Chu, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110965 [Commending the Friends of West Sunset Playground, Neighborhood Parks Council, Rec Connect, and the Recreation and Park and Public Works Departments on the Completion of the West Sunset Playground Rebuild Project]

Sponsor: Chu

Resolution commending the Friends of West Sunset Playground, Neighborhood Parks Council, Rec Connect, and the Recreation and Park and Public Works Departments on the completion of the West Sunset Playground Rebuild Project.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110965. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110139 [Settlement of Lawsuit - Loren Miller Homes - $317,500]

Ordinance authorizing settlement of the lawsuit filed by Loren Miller Homes, a California corporation, against the City and County of San Francisco for $317,500; the lawsuit was filed on July 22, 2010, in San Francisco Superior Court, Case No. CGC-10-501831; entitled Loren Miller Homes v. City and County of San Francisco, et al. (City Attorney)

07/25/11; RECEIVED AND ASSIGNED to Rules Committee.

110903 [Administrative Code - Nonprofit Annual Income Statement]

Ordinance amending the San Francisco Administrative Code Section 10.1 to allow Nonprofits receiving City funding to provide and update information directly to City Departments as an alternative to filing annual income statements with the City Administrator. (City Administrator)

08/11/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/6/2011.

110904 [Administrative Code - References to the Bureaus of Architecture, Engineering, and Construction Management]

Ordinance amending the San Francisco Administrative Code Section 2A.190 to deem each reference to the "Bureau of Architecture," "Bureau of Engineering," and "Bureau of Construction Management" in the San Francisco Municipal Code to be a reference to the "Department of Public Works." (Public Works Department)

08/12/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/6/2011.

110954 [Settlement of Lawsuit - Julio Calero - $75,000]

Ordinance authorizing settlement of the lawsuits filed by Julio Calero against the City and County of San Francisco for $75,000; the lawsuits were filed on September 18, 2009, and March 19, 2010, in San Francisco Superior Court, Case Nos. CGC-08-479969 and CGC-10-497921; entitled Julio Calero, et al. v. City and County of San Francisco, et al. and Julio Calero, et al. v. Colin Construction Company, et al. (City Attorney)

08/19/11; RECEIVED AND ASSIGNED to Rules Committee.

110955 [Settlement of Lawsuits - Mitchell Engineering; Authorization of Bonds and Appropriation of Funds - Not to Exceed $15,750,000]

Ordinance: 1) authorizing settlement of all claims arising out of nine lawsuits involving Mitchell Engineering and the City and County of San Francisco; 2) declaring the intent of the San Francisco Public Utilities Commission to reimburse certain expenditures for settlement costs from proceeds of future bonded indebtedness for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended; 3) authorizing the issuance of Settlement Bonds in connection therewith, as well as the associated financing cost to issue; 4) appropriating $15,750,000, including insurance proceeds in the total amount of $750,000, project construction funds in the total amount of $920,207, and proceeds of Settlement Bonds in the amount of $14,079,793; and 5) authorizing the use of substitute fund balance as a source in lieu of Settlement Bonds if available.

08/26/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110933 [Contract Amendment - Western States Oil - Not to Exceed $75,580,000]

Resolution approving the Fifth Amendment to the Agreement between the City and Western States Oil increasing the total not-to-exceed amount of the contract from $50,500,000 to $75,580,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)

08/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110956 [Settlement of Claim - Ernst & Young, LLP - $158,646.36]

Resolution approving the settlement of the unlitigated claim filed by Ernst & Young, LLP, against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of $158,646.36; claim was filed on February 25, 2011. (City Attorney)

08/19/11; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:55 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 13, 2011 - 2:00 PM

Hearing Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

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MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, Supervisor Cohen was noted absent. There was a quorum.

Supervisor Cohen was noted present at 2:08 p.m.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

110932 [Formal Policy Discussions - September 13, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. The proposed California Pacific Medical Center (CPMC) expansion offers the City an opportunity to potentially improve the health care options available to its residents. This expansion could also result in the loss of critical services to some of our most vulnerable citizens. Six Supervisors have publicly indicated that they will not support a CPMC deal that does not include a Community Benefits Agreement that is acceptable to the various community coalitions that have been negotiating with CPMC for the past two years. I understand that there has been much progress made towards drafting a Development Agreement between the City and CPMC. However, a Development Agreement, for legal reasons, cannot contain some of the provisions that are of most importance to the community, such as giving the community the ability to enforce whatever agreements that are made in the Development Agreement. Are you willing to require that CPMC enter into a Community Benefits Agreement before their proposal is approved by the City? (Supervisor Mar, District 1)

2. A series of pilot projects on Market Street in the past few years has reduced MUNI delays and improved safety for people walking and bicycling while also supporting local business with increased foot traffic. Given these successes and the fact that most San Francisco drivers already know to avoid the lower Market Street gridlock, do you support a trial diversion of private automobiles from Market Street downtown except to cross it, and the implementation of additional pilot projects to significantly increase the priority and safety of people using public transit, bicycling, and walking on Market Street? Specifically, what on-the-ground pilots should happen soon while long-term planning process continues on San Francisco's most important transit, bicycling, and walking street? And by when should these pilots occur? (Supervisor Chiu, District 3)

3. As a result of AB 109, and Realignment, San Francisco is projected to receive $5.7 million from the state in FY2011-2012 to help accommodate approximately 700 additional criminal offenders. Adult Probation Chief Wendy Still estimates that a combination of state and local funding does not cover the costs of San Francisco's realignment plan. Chief Still projects that the City will be $1.5 million to $3.5 million short of meeting local realignment funding objectives. How do you propose to address this funding gap? (Supervisor Mirkarimi, District 5)

4. Please discuss the current status, progress, and future of the Central Subway Project? (Supervisor Elsbernd, District 7)

5. The Controller's Office found that City departments overspent their budgeted overtime by 40 million in FY2010-2011. The top 10 City departments that use the most overtime (SF Municipal Transportation Agency (SFMTA), Fire, Police, Public Health, Sheriff, Public Utilities Commission, Airport, Public Works, Emergency Management, and Recreation and Park) account for 97% of total Citywide overtime hours. The SFMTA alone represents 42% of overtime overruns. I, along with Supervisor Farrell, introduced legislation to require departments that propose spending more on overtime than previously budgeted to first obtain approval from the Board of Supervisors in the form of a supplemental appropriation. We also urged the SFMTA, whose budget line items the Board of Supervisors and the Mayor cannot change, but whose overall budget we can approve or reject - to create an overtime spending reduction plan. Will you support our good governance legislation? As we seek funds to improve service for MUNI riders, how will you ensure that the SFMTA decreases its overtime overruns? (Supervisor Campos, District 9)

6. The Board of Supervisors and Mayor approved a process for question time that has led to a very scripted interaction between our two bodies. I do not believe this was the intent of the legislation. What are you willing to do to change the format to make it a truly interactive, substantive, and dynamic exchange? (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendations of the Rules Committee

101574 [Elections Code - E-mailing the Voter Information Pamphlet]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Municipal Elections Code Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

FINALLY PASSED

110806 [Administrative Code - Deleting Outdated References to Telecommunications Commission]

Ordinance repealing the San Francisco Administrative Code Section 11.84, thereby dissolving the Telecommunications Commission. (Clerk of the Board)

FINALLY PASSED

110809 [Administrative Code - Dissolving Drug Abuse and City-Wide Alcoholism Advisory Boards]

Ordinance repealing the San Francisco Administrative Code Sections 15.17 and 15.19, thereby dissolving the Drug Abuse Advisory Board and the City-Wide Alcoholism Advisory Boards, respectively. (Clerk of the Board)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Sub-Committee

110503 [Administrative Code - Regulating Overtime Available for City Employees]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 20% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

Privilege of the floor was granted to Micki Callahan, Human Resources Director, who responded to questions raised throughout the discussion.

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 25% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

From the Land Use and Economic Development Committee Without Recommendation

110857 [Street Vacation Order and Jurisdictional Transfer - Mandan Avenue and a Portion of Cayuga Avenue]

Sponsors: Mayor; Avalos

Ordinance: 1) ordering the vacation of an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; 2) approving the jurisdictional transfer of such portion of public right-of-way from the Department of Public Works to the Recreation and Park Department; 3) approving the jurisdictional transfer of Mandan Avenue and portion of Cayuga Avenue, previously vacated by Board of Supervisors Resolution No. 5468, from the Department of Public Works to the Recreation and Park Department; 4) adopting environmental findings and findings that the actions contemplated herein are consistent with the City's General Plan and Planning Code Section 101.1; and 5) authorizing official acts in connection with this Ordinance.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110496 [License Agreement - Non-Stop Music Library, L.C.]

Ordinance retroactively approving an agreement with Non-Stop Music Library, L.C., to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement. (Department of Technology)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110781 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for FY ending June 30, 2012.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110782 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for FY ending June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110783 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for FY ending June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110784 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid transit District purposes for FY ending June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Privilege of the floor was granted to Ben Rosenfield, Controller, who responded to questions raised throughout the discussion relating to File Nos. 110902 and 110907.

110902 [Public Employment - Amendment to the Annual Salary Ordinance for Adult Probation, District Attorney, and Public Defender - FY2011-2012]

Sponsors: Mayor; Mirkarimi

Ordinance amending Ordinance No. 146-11 (Annual Salary Ordinance FY2011-2012) to reflect the addition of 31 positions (20.59 FTE) in various job classes for Assembly Bill 109 Public Safety Realignment consisting of adding 27 positions (17.76 FTE) in Adult Probation, 2 positions (1.50 FTE) in Public Defender, and 2 positions (1.33 FTE) in District Attorney.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110907 [Appropriating State Assembly Bill 109 Realignment Fund to Support Expenditures at the Adult Probation and Other Departments for FY2011-2012 - $5,787,176]

Sponsors: Mayor; Mirkarimi

Ordinance appropriating $5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110581 [Contract Amendment - In-Home Supportive Services Provider Benefits and Administration - $419,187,910]

Resolution amending Resolution No. 291-06 File No. 06033 that approved the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of administration, health and dental benefits to IHSS independent providers for the period of July 1, 2006, to June 30, 2016, in the amended amount of $419,187,910.
(Human Services Department)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110680 [Master Lease Amendment - U.S. Navy - Treasure Island South Waterfront]

Resolution approving the Twenty-Seventh Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110681 [Master Lease Amendment - U.S. Navy -Treasure Island Childcare]

Resolution approving the Seventh Amendment to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term.
(Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110682 [Cooperative Agreement Modification - U.S. Navy - Treasure Island]

Resolution approving and authorizing the Treasure Island Development Authority to enter into a modification of the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2011, to September 30, 2012. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110683 [Master Lease Amendment - U.S. Navy - Treasure Island Event Venues]

Resolution approving the Twenty Third Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110684 [Master Lease Amendment - U.S. Navy - Treasure Island Land and Structures]

Resolution approving the Thirty-Fifth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110685 [Master Lease Amendment - U.S. Navy - Treasure Island Marina]

Resolution approving the Fifteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110920 [2011 Public Safety Realignment Plan]

Sponsor: Mayor

Resolution approving the City and County of San Francisco 2011 Public Safety Realignment Plan.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110921 [Certificates of Participation - Moscone Center Refunding Project - Not to Exceed $110,000,000]

Sponsor: Mayor

Resolution approving the execution and delivery of not to exceed $110,000,000 aggregate principal amount of Refunding Certificates of Participation for the purpose of refinancing certain lease revenue refunding bonds issued by the Redevelopment Agency; approving a property lease, project lease, escrow agreements, and a trust agreement; providing for the manner of sale of Refunding Certificates of Participation, whether by competitive or negotiated sale; approving the form of the official notice of sale and the notice of intention to sell for the Refunding Certificates of Participation; directing the publication of the notice of intention to sell for the Refunding Certificates of Participation; approving the form of the Certificate Purchase Contract; approving the form of the official statement in preliminary and final form; approving the form of the continuing disclosure certificate; authorizing the acceptance by the City of certain property in connection with the execution and delivery of the Refunding Certificates of Participation; authorizing the payment of cost of issuance; authorizing the taking of appropriate actions in connection therewith; and related matters.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110957 [Accept and Expend Grant - Airport Canine Explosives Detection Team Program - $600,500]

Sponsor: Chu

Resolution authorizing the Airport Commission to accept and expend funding in the amount of $600,500 from the Transportation Security Administration for the Airport Canine (K-9) Explosives Detection Team Program.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

Privilege of the floor was granted to Martin Gran (Human Resources Department) who responded to questions raised throughout the discussion relating to File Nos. 110847, 110849, 110850, 110851, 110852, and 110848.

110847 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 2), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110849 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Units P-1 & P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110850 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110851 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110852 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that Supervisor Chu be excused from voting on File No. 110848. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

110848 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 1), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.
(Supervisor Chu excused from voting.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110738 [Public Hearing - Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for 7 years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the sponsor. Susan King; Todd Clear; spoke in support of the district. Ace Washington; Francisco Da Costa; Reverend Townsend; expressed various concerns relating to the district. Madison Scott; Daniel Landry; Male Speaker; spoke in support of the proposed continuance. Walter Paulson; shared in song certain concerns relating to the district. There were no other speakers.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to October 18, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to October 18, 2011, at 3:00 p.m.

Committee of the Whole Adjourn and Report

110739 [Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for 7 years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to October 18, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

110935 [Public Hearing - Conditional Use Appeal - 3151-3155 Scott Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 14, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ, by its Motion No. 18405, under Planning Code Sections 303 and 249.55 to convert a vacant tourist hotel (dba Edward II Inn) to a group housing use containing up to 25 units (24 units for transitional age youth between 18 and 24, and one manager's unit) within the NC-3 (Moderate Scale, Neighborhood Commercial) District, the Lombard and Scott Street Affordable Group Housing Special Use District (SUD) and a 40-X Height and Bulk District, on property located at 3151-3155 Scott Street, Assessor's Block No. 0937, Lot No. 001. (Appellant: Adam Polakoff on behalf of Cow Hollow Association and Various Associations.)
(Filed August 15, 2011; Companion Measure to File Nos. 110936, 110937, and 110938.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance due to the related categorical exemption appeal. Male Speaker; Peter Alexander; Doug Malar; Francisco Da Costa; expressed various concerns relating to the project. There were no other speakers.

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to October 4, 2011, at 4:00 p.m.

110936 [Approving the Planning Commission's Decision Related to the Conditional Use Authorization - 3151-3155 Scott Street]

Motion approving the Planning Commission's decision, by its Motion No. 18342, approving the Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110937 [Disapproving Planning Commission's Decision Related to Conditional Use Application - 3151-3155 Scott Street]

Motion disapproving the Planning Commission's decision, by its Motion No. 18405, approving Conditional Use Application No. 2006.0868CEKTZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110938 [Preparation of Findings Related to the Conditional Use Authorization - 3151-3155 Scott Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to October 4, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

110589 [Planning Code - Zoning Map - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street]

Sponsors: Chiu; Avalos, Kim, Mar and Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Section 249.55 and amending Section Map 2SU to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Robert Williams; expressed concerns relating to support for veterans.
Male Speaker; expressed concerns relating to support for veterans.
James Chaffee; expressed concerns relating to the SF Public Library.
Madison Scott; expressed concerns relating to violence in the community.
Charlie Walker; expressed concerns relating to civil rights.
Male Speaker; expressed concerns relating to children health and safety.
Peter Alexander; expressed various concerns.
Doug Malar; expressed various concerns.
Francisco Da Costa, expressed various concerns.
Espinola Jackson; expressed support for local hiring.
Gregory Hall; expressed support for local hiring.
Ace Washington; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
F. Joseph Butler; expressed concerns relating to staffing for environmental review.
John Burrows; expressed various concerns.
Male Speaker; expressed support for Pier 38 improvements.
Bill Burden; expressed support for Pier 38 improvements.
Kirk Lane; expressed support for Pier 38 improvements.
Amil; expressed support for Pier 38 improvements.
Bob Christopher; expressed support for Pier 38 improvements.
Male Speaker; expressed support for Pier 38 improvements.
Glenn Jones; expressed support for Pier 38 improvements.
Joshua Arsay; expressed support for local hiring.
Oscar James; expressed support for local hiring.
Chris Rizio; expressed support for Pier 38 improvements.
Male Speaker; expressed support for Pier 38 improvements.
Pastor Josiah Bell; expressed support for local hiring.
David Black; expressed support for Pier 38 improvements.
Tom Gilberty; expressed concerns relating to garages and ventilation.
Paul Lucas; expressed support for local hiring.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110973 [Commendation of the Stern Grove Festival Association]

Sponsors: Elsbernd; Chiu and Chu

Resolution commending the Stern Grove Festival Association for a successful season of high quality performances.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED

110974 [Multifamily Housing Revenue Bonds - 1180 Fourth Street Family Housing - Not to Exceed $50,000,000]

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Housing Development Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $50,000,000 for 1180 Fourth Street Family Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $50,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED

110975 [Multifamily Housing Revenue Bonds - Natoma Family Apartments - Not to Exceed $20,000,000]

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Housing Development Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $20,000,000 for Natoma Family Apartments; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $20,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

110960 [Office of the Controller to Examine Confidential State Board of Equalization Tax Records]

Resolution authorizing designated officers and employees of the City and County of San Francisco to examine sales or transactions and use tax records of the State Board of Equalization pursuant to California Revenue and Taxation Code Section 7056. (Controller)

08/31/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110961 [MuniServices, LLC, to Examine Confidential State Board of Equalization Tax Records]

Resolution authorizing MuniServices, LLC (Contractor) to examine sales or transactions and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056. (Controller)

08/31/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:17 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

SEP 26 2011

SAN FRANCISCO
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Tuesday, September 20, 2011 - 2:00 PM

Hearing Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

110496 [License Agreement - Non-Stop Music Library, L.C.]

Ordinance retroactively approving an agreement with Non-Stop Music Library, L.C., to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement. (Department of Technology)

FINALLY PASSED

110781 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for FY ending June 30, 2012.
(Fiscal Impact)

FINALLY PASSED

110782 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for FY ending June 30, 2012.

FINALLY PASSED

110783 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for FY ending June 30, 2012.

FINALLY PASSED

110784 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid transit District purposes for FY ending June 30, 2012.

FINALLY PASSED

110902 [Public Employment - Amendment to the Annual Salary Ordinance for Adult Probation, District Attorney, and Public Defender - FY2011-2012]

Sponsors: Mayor; Mirkarimi

Ordinance amending Ordinance No. 146-11 (Annual Salary Ordinance FY2011-2012) to reflect the addition of 31 positions (20.59 FTE) in various job classes for Assembly Bill 109 Public Safety Realignment consisting of adding 27 positions (17.76 FTE) in Adult Probation, 2 positions (1.50 FTE) in Public Defender, and 2 positions (1.33 FTE) in District Attorney.

FINALLY PASSED

110907 [Appropriating State Assembly Bill 109 Realignment Fund to Support Expenditures at the Adult Probation and Other Departments for FY2011-2012 - $5,787,176]

Sponsors: Mayor; Mirkarimi

Ordinance appropriating $5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Sub-Committee

110503 [Administrative Code - Regulating Overtime Available for City Employees]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 25% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

FINALLY PASSED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

From the Budget and Finance Committee Without Recommendation

110847 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 2), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110849 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Units P-1 & P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110850 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110851 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110852 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that Supervisor Chu be excused from voting on File No. 110848. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

110848 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 1), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.
(Supervisor Chu excused from voting.)

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110720 [Administrative Code - Gift Funds]

Sponsors: Mayor; Chiu and Chu

Ordinance amending the San Francisco Administrative Code to: 1) create a Recreation and Parks Gift Fund; 2) update the Mayor's Earthquake Emergency Relief Fund to broaden its purpose as a general disaster recovery fund; and 3) amend the Mayor's Fund for the homeless to change the administering agency.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110695 [Lease and Use Agreement - Cathay Pacific Airways Limited]

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L-10-0081 with Cathay Pacific Airways Limited for lounge space in the International Terminal of San Francisco International Airport. (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110778 [Real Property Lease - Mercy Commercial California - 1360 Mission Street]

Resolution authorizing the lease of 1360 Mission Street, Suite 401, for the Department of Public Health. (Real Estate Department)

Supervisor Kim, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution authorizing the lease with Mercy Commercial California for property located at of 1360 Mission Street, Suite 401, for the Department of Public Health. (Real Estate Department)

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110914 [Assessor-Recorder's Base Recording Fee Increase from $4 to $10]

Sponsor: Kim

Resolution authorizing an increase in the Assessor-Recorder's base fee for recording and indexing the first page of every instrument, paper, or notice from $4 to $10 pursuant to California Government Code Section 27361(a).

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110916 [Real Property Lease Amendment - Northeast Corner of Octavia Boulevard and Fell Street]

Sponsor: Mirkarimi

Resolution approving an amendment of lease between the City and County of San Francisco and PROXYdevelopment, LLC, for property located at the northeast corner of Octavia Boulevard and Fell Street, commonly known as a portion of Assessor's Block No. 0817, Lot No. 33 (Parcel L), to extend the lease term from four years to five years.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110917 [Real Property Sublease Amendment - Southeast Corner of Octavia Boulevard and Hayes Street]

Sponsor: Mirkarimi

Resolution approving an amendment of sublease between the City and County of San Francisco and PROXYdevelopment, LLC, for property located at the southeast corner of Octavia Boulevard and Hayes Street, commonly known as a portion of Assessor's Block No. 0817, Lot No. 30 (Parcel K), to extend the sublease term from three years to five years.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Government Audit and Oversight Committee

110766 [Administrative Code - Overtime Appropriations]

Sponsors: Campos; Farrell

Ordinance amending the San Francisco Administrative Code by adding Section 3.17 to: 1) require separate overtime items in the budget for the Airport, Emergency Management, Fire, Police, Public Health, Public Utilities, Public Works, Recreation and Park, and Sheriff; and 2) require those departments to obtain a separate supplemental appropriation to exceed those amounts.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Recommendations of the Rules Committee

110971 [Assessment Ballots for City Parcels to Form the Proposed West Portal Community Benefit District]

Sponsor: Elsbernd

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of two parcels of real property, over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the West Portal Community Benefit District.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110905 [Reappointment, Entertainment Commission - Audrey Joseph]

Motion approving the Mayor's nomination for reappointment of Audrey Joseph to the Entertainment Commission, for the term ending July 1, 2015. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 8/8/11.)

Motion No. M11-138

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Rules Committee Without Recommendation

110718 [Campaign and Governmental Conduct Code - Capping the Amount of Public Matching Funds]

Sponsors: Farrell; Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.144 to cap the amount of public matching funds.

Privilege of the floor was granted to Mark Morodomi (Supervising Attorney, City of Oakland), Acting Special Counsel, who responded to questions raised throughout the discussion.

Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to September 27, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee Without Recommendation

110448 [Planning Code - Zoning Map - Establishing City Center Special Sign District]

Sponsor: Farrell

Ordinance amending the San Francisco Planning Code Sections 602.10, 607.1, 608, adding Section 608.16, and amending Sectional Map SSD of the Zoning Map to establish the City Center Special Sign District encompassing the real property bounded by Masonic Avenue, Geary Boulevard, Lyon Street, and O'Farrell Street (Assessor's Block No. 1094, Lot No. 001) to allow additional projecting signs, freestanding identifying and directional signs, and to modify existing controls on business wall signs; adopting findings, including environmental findings pursuant to the California Environmental Quality Act, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Female Speaker; expressed concerns relating to homelessness.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Eugene Gordon, Jr.; expressed various concerns.
Tom Gilberty; expressed concerns relating to noise pollution.
Ray Hartz; expressed concerns relating to government.
John Burrows; expressed various concerns.
Male Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111011 [Accept and Expend Grant - Health Care Services Master Plan Community Stakeholder Interviews - $20,000]

Sponsor: Campos

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of $20,000 from the San Francisco Foundation to fund the program entitled "Health Care Services Master Plan Community Stakeholder Interviews" for the period of September 1, 2011, through August 31, 2012, and waiving indirect costs.

ADOPTED

111012 [Accept and Expend Grant - Pier 43 Promenade Bay Trail Extension - $90,000]

Sponsor: Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $90,000 from the State of California Coastal Conservancy, through the Association of Bay Area Governments Bay Trail Program, for the Pier 43 Promenade Bay Trail Project in Fisherman's Wharf.

ADOPTED

111013 [Market Street Pilot Projects]

Sponsor: Chiu

Resolution urging the San Francisco Municipal Transportation Agency and other departments and agencies to implement near-term pilot projects, including increased private automobile diversions, to speed up transit along Market Street while improving the safety and comfort of people walking and biking and supporting the local commercial and cultural function of the street.

ADOPTED

111014 [Accept and Expend Grant - Cargo Way Bicycle Lane Improvement Project - $70,000]

Sponsor: Cohen

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $70,000 from the State of California Coastal Conservancy, through the Association of Bay Area Governments Bay Trail Project Program, for the Cargo Way Bicycle Lane Improvement Project along Cargo Way between Third and Jennings Streets as part of the Blue Greenway project.

ADOPTED

111015 [Eric F. Quezada Day - September 25, 2011]

Sponsors: Mar; Campos, Avalos, Kim, Mirkarimi and Chiu

Resolution honoring Eric F. Quezada for his extraordinary work as a leader of San Francisco's Social Justice Movement and proclaiming September 25, 2011, as "Eric F. Quezada Day" in the City and County of San Francisco.

ADOPTED

111016 [Accept and Expend Grant - Smoking Cessation Buprenorphine Treated Patients - $48,000]

Sponsor: Mar

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California, San Francisco in the amount of $48,000 to fund the project entitled "Smoking Cessation Intervention in Buprenorphine Treated Patients" for the period of June 1, 2011, through May 31, 2012, and waiving indirect costs.

ADOPTED

111017 [Peter Berg Day - October 1, 2011]

Sponsors: Mirkarimi; Avalos

Resolution proclaiming October 1, 2011, as "Peter Berg Day" in the City and County of San Francisco for his extraordinary contribution to the understanding of environmental sustainability, urban re-vegetation, and originating the concept of bioregionalism.

ADOPTED

111018 [Approval of an Additional Six (6) Months for Planning Commission Review of Zoning Map Amendment for 2301 Market Street (File No. 110224)]

Sponsor: Wiener

Resolution extending by six (6) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110224) that would amend the Planning Code by amending Sectional Map HT07 of the Zoning Map of the City and County of San Francisco to rezone the property located at 2301 Market Street on the corner of Market and Noe Streets from a 50-X height and bulk limit to a 65-X height and bulk limit; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

111019 [Glen Park Elementary School Day - September 24, 2011]

Sponsor: Wiener

Resolution honoring the centennial of Glen Park Elementary and proclaiming September 24, 2011, to be "Glen Park Elementary School Day" in the City and County of San Francisco.

ADOPTED

111020 [Accept and Expend Grant - HAART Optimism, Drug Use, and Risky Sexual Behavior - $37,856]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from Simon Fraser University in the amount of $37,856 to participate in a program entitled "Highly Active Antiretroviral Therapy Optimism, Drug Use, and Risky Sexual behavior in British Columbia" for the period of May 1, 2011, through March 31, 2012.

ADOPTED

111006 [Committee of the Whole - Public Hearing to Establish the West Portal Community Benefit District]

Sponsor: Elsbernd

Motion directing the Board of Supervisors to hold a public hearing on September 27, 2011, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to Establish the West Portal Community Benefit District.

Motion No. M11-139

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110984 [Transportation Code - Residential Parking Permit Application Penalties]

Ordinance amending the San Francisco Transportation Code Article 7, Division I, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading, or fraudulent information on a residential parking permit application. (Municipal Transportation Agency)

09/12/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/20/2011.

PROPOSED RESOLUTIONS

110983 [Employment Policies and Procedures Regarding Criminal History]

Resolution authorizing the City and County of San Francisco to access state and federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. (Human Resources Department)

09/12/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110985 [Real Property Lease Amendment - 160 South Van Ness Avenue]

Resolution authorizing the amendment of an existing lease at 160 South Van Ness Avenue for the Human Services Agency to provide a construction allowance and extend the lease term. (Real Estate Department)

09/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:48 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

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SEP 29 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 27, 2011 - 2:00 PM

Hearing Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

110766 [Administrative Code - Overtime Appropriations]

Sponsors: Campos; Farrell

Ordinance amending the San Francisco Administrative Code by adding Section 3.17 to: 1) require separate overtime items in the budget for the Airport, Emergency Management, Fire, Police, Public Health, Public Utilities, Public Works, Recreation and Park, and Sheriff; and 2) require those departments to obtain a separate supplemental appropriation to exceed those amounts.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

110785 [Planning Code - Zoning - Establishing Standards for Bird-Safe Buildings]

Sponsors: Mar; Chiu

Ordinance amending the San Francisco Planning Code by: 1) adding Section 139 to establish standards for bird-safe buildings to help reduce injury and mortality in birds caused by certain types of new construction, replacement facades, and building features; 2) amending Section 145.1 to allow for exceptions to transparency and fenestration requirements to meet standards for bird-safe buildings; and 3) adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110786 [Planning Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for large project authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110787 [Administrative Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify the requirements for the Controller's assessment in order to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; and 2) making environmental findings. (Planning Commission)

FINALLY PASSED

110788 [Zoning Map Amendments - Eastern Neighborhoods Code Cleanup]

Ordinance amending San Francisco Zoning Map Sheets ZN01, ZN07, ZN08, and SU08 to: 1) correct technical errors made in Ordinance No. 299-08; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110568 [Street Artist Spaces - Post Street, Northwest Corner, at Stockton Street]

Resolution approving designation for six months of two temporary selling spaces on Post Street, northwest corner, at Stockton Street, for street artists certified by the Arts Commission. (Arts Commission)

ADOPTED

Recommendations of the Public Safety Committee

110909 [Accept and Expend Grant - FY2007 Supplemental Port Security Grant Program - Marine-Based Equipment Enhancements - $230,000]

Sponsor: Chiu

Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of $230,000 from the Federal Emergency Management Agency for FY2007 Supplemental Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.

ADOPTED

110910 [Accept and Expend Grant - FY2008 Port Security Grant Program - Type 2 Fire Boat - $7,870,484]

Sponsor: Chiu

Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of $7,870,484 from the Federal Emergency Management Agency for the FY2008 Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.

ADOPTED

110911 [Accept and Expend Grant - FY2010 Port Security Grant Program - Rapid Response Vessel and Regional Marine Training - $645,125]

Sponsor: Chiu

Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of $645,125 from the Federal Emergency Management Agency for FY2010 Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.

ADOPTED

110912 [Accept and Expend Grant - FEMA Assistance to Fire Fighters - Heavy-Duty Washer Extractors - $107,296]

Sponsor: Chiu

Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of $107,296 from the Federal Emergency Management Agency for the purchase and installation of seven commercial washer extractors to clean personal protective equipment.

ADOPTED

110918 [Revolving Fund Agreement - Burial or Emergency Relocation of Crime Victims - $75,000]

Sponsor: Mirkarimi

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses for eligible homicide victims and emergency relocation for victims of domestic violence and sexual assault for the period of July 1, 2011, through June 30, 2014.

ADOPTED

110919 [Accept and Expend Grant - Compensation for Crime Victims - Up to $714,138]

Sponsor: Mirkarimi

Resolution authorizing the Office of the District Attorney to retroactively accept and expend up to $714,138 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2011, through June 30, 2012.

ADOPTED

Recommendations of the Rules Committee

110139 [Settlement of Lawsuit - Loren Miller Homes - $317,500]

Ordinance authorizing settlement of the lawsuit filed by Loren Miller Homes, a California corporation, against the City and County of San Francisco for $317,500; the lawsuit was filed on July 22, 2010, in San Francisco Superior Court, Case No. CGC-10-501831; entitled Loren Miller Homes v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

110692 [Settlement of Lawsuit - West Bay Builders, Inc. - City to Retain $900,000]

Ordinance authorizing settlement of the lawsuit entitled West Bay Builders, Inc. v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-10-503366, arising from a breach of contract dispute regarding Contract No. 6159A for construction of a new Recreation and Park Department (RPD) facility known as the Minnie and Lovie Ward Recreation Center and Ocean View Park, for which West Bay Builders, Inc., served as the prime contractor, calling for the RPD to retain $900,000 from the contract balance and including other material terms of said settlement. (City Attorney)

PASSED, ON FIRST READING

110954 [Settlement of Lawsuit - Julio Calero - $75,000]

Ordinance authorizing settlement of the lawsuits filed by Julio Calero against the City and County of San Francisco for $75,000; the lawsuits were filed on September 18, 2009, and March 19, 2010, in San Francisco Superior Court, Case Nos. CGC-08-479969 and CGC-10-497921; entitled Julio Calero, et al. v. City and County of San Francisco, et al. and Julio Calero, et al. v. Colin Construction Company, et al. (City Attorney)

PASSED, ON FIRST READING

110956 [Settlement of Claim - Ernst & Young, LLP - $158,646.36]

Resolution approving the settlement of the unlitigated claim filed by Ernst & Young, LLP, against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of $158,646.36; claim was filed on February 25, 2011. (City Attorney)

ADOPTED

110970 [Annual Reports - Central Market Community Benefit District]

Sponsor: Kim

Resolution regarding Central Market Community Benefit District annual reports to the City by receiving and approving the District's Annual Reports for calendar years 2007, 2008, 2009, and 2010, as submitted, pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

ADOPTED

NEW BUSINESS

Recommendation of the Budget and Finance Committee

110900 [Administrative Code - Film Fees and Rebate Program]

Sponsor: Farrell

Ordinance amending the San Francisco Administrative Code Sections 57.5 and 57.8 to: 1) decrease filming fees for smaller-budget productions; 2) include documentary films, docudrama films, and "reality" programming among eligible productions for the Film Rebate Program; 3) exempt productions by nonprofit entities, public service announcements, and qualifying student productions from film fees; and 4) make environmental findings.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110854 [Environment Code - Green Building Requirements for City Buildings]

Sponsors: Mayor; Mar

Ordinance amending the San Francisco Environment Code, Chapter 7, Sections 700 through 713, to update the green building requirements for the design, construction, and operation of City buildings.

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 16, Line 23, by replacing 'September' with 'November'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Public Safety Committee

110846 [Administrative Code - Postrelease Community Supervision Program]

Sponsors: Mirkarimi; Cohen

Ordinance amending the San Francisco Administrative Code by adding Article XXII, Sections 2A.300 and 2A.301, Chapter 2A to: 1) designate the Adult Probation Department as the county agency responsible for providing postrelease community supervision to eligible inmates released from state prison, as required under California Penal Code section 3451; and 2) authorize the Adult Probation Department to develop a Home Detention and Electronic Monitoring Program that can be used as a supervision tool and sanction for persons who violate conditions of their Postrelease Community Supervision Program.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110901 [Police Code - Safe Storage and Enhanced-Lethality Ammunition Findings]

Sponsors: Mirkarimi; Campos, Cohen and Chiu

Ordinance amending the San Francisco Police Code by adding Sections 4511 and 613.9.5 to add findings to ordinances: 1) requiring a handgun to be kept in a locked container or disabled with a trigger lock; and 2) prohibiting the sale of enhanced-lethality ammunition.

Supervisor Chiu requested to be added as a co-sponsor.

Privilege of the floor was granted to Sherri Kaiser (City Attorney's Office) who provided an overview and responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Rules Committee Without Recommendation

110955 [Settlement of Lawsuits - Mitchell Engineering; Authorization of Bonds and Appropriation of Funds - Not to Exceed $15,750,000]

Ordinance: 1) authorizing settlement of all claims arising out of nine lawsuits involving Mitchell Engineering and the City and County of San Francisco; 2) declaring the intent of the San Francisco Public Utilities Commission to reimburse certain expenditures for settlement costs from proceeds of future bonded indebtedness for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended; 3) authorizing the issuance of Settlement Bonds in connection therewith, as well as the associated financing cost to issue; 4) appropriating $15,750,000, including insurance proceeds in the total amount of $750,000, project construction funds in the total amount of $920,207, and proceeds of Settlement Bonds in the amount of $14,079,793; and 5) authorizing the use of substitute fund balance as a source in lieu of Settlement Bonds if available. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

111007 [Public Hearing - Resolution to Establish the West Portal Community Benefit District]

Sponsor: Elsbernd

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "West Portal Community Benefit District," ordering the levy and collection of assessments against property located in that district for 13 years commencing with FY2011-2012, with services, activities, and improvements to be provided for 13 calendar years commencing January 1, 2012, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 111008. Matt Rogers; Mario Magennon; James Robinson; Gail Ferris; Bob Presley; Auburn Shepherd; Steve Ballister; Walter Paulson; spoke in support of the assessment district. Mark Pasquine; Male Speaker; L.A. Wagner; spoke in opposition to the assessment district. Lisa Pagan (Mayor's Office of the Economic and Workforce Development) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

111008 [Resolution to Establish the West Portal Community Benefit District]

Sponsor: Elsbernd

Resolution establishing a property-based business improvement district to be known as the "West Portal Community Benefit District," ordering the levy and collection of assessments against property located in that district for 13 years commencing with FY2011-2012, with services, activities, and improvements to be provided for 13 calendar years commencing January 1, 2012, subject to conditions as specified, and making environmental findings.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the West Portal Community Benefit District was 48.92%, and the returned weighted ballots voting against the West Portal Community Benefit District was 51.08%, further indicating there was a majority protest.

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Scott Heldfond of the Health Service System Board in recognition of his accomplishments during his tenure as a Board Member. Supervisor Elsbernd and Catherine Dodd, Director of Health Service System, shared in this recognition.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Terry McDevitt of the Recreation and Park Department in recognition of his 40 years of service upon his retirement.

Supervisor Avalos introduced, welcomed, and presented Certificates of Honor to District 11 artists and organizers in recognition of their accomplishments in beautifying the Excelsior, creating the Excelsior Mural Tour, and for their continued community support.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Karen Bishop of the San Francisco Unified School District in recognition of her 43 years of service upon her retirement and continued community support. Supervisors Kim and Campos shared in this recognition.

SPECIAL ORDER 4:00 P.M.

110950 [Conditional Use Appeal - 4141 Geary Boulevard/450 - 6th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 28, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0951C, by its Motion No. 18415, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of nine panel antennas and related equipment on an existing mechanical penthouse on the roof of a five-story publicly used structure (Kaiser Hospital) as part of Verizon's wireless telecommunications network within the RM-1 (Mixed, Low Density) and NC-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts, and a 80-E Height and Bulk District, on property located at 4141 Geary Boulevard/450 - 6th Avenue, Assessor's Block No. 1539, Lot No. 003. (District 1) (Filed by Sandra Fen Ng on behalf of the San Francisco Tomorrow and subscribed by Supervisors Mar, Avalos, Chiu, Kim, and Mirkarimi.)
(Filed August 29, 2011; Companion Measure to File Nos. 110951, 110952, and 11953.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to October 25, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to October 25, 2011, at 4:00 p.m.

110951 [Approving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to October 25, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110952 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to October 25, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110953 [Preparation of Findings Related to the Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to October 25, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to privatization and the SF Public Library.
Tom Gilberty; expressed concerns relating to noise pollution.
Jake Crawford; expressed concerns relating to housing in Fillmore.
Male Speaker; expressed concerns relating to Parkmerced and the SOTF determination.
Female Speaker; expressed various concerns.
Edmond Juicye; expressed various concerns.
Male Speaker; expressed various concerns.
John Burrows; expressed various concerns.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation as Defendant

111044 [Closed Session - Anticipated Litigation - Public Financing Law]

Sponsor: Kim

Motion that the Board of Supervisors convene in closed session on September 27, 2011, to consult with Legal Counsel for the purpose of conferring with, or receiving advice from, Legal Counsel regarding anticipated litigation involving the City's public financing law (Campaign and Governmental Conduce Code Section 1.144) in light of Arizona Free Enterprise Club's Freedom PAC et al. v. Bennett, U.S. Supreme Court Case No. 10-238.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the anticipated litigation.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M11-143

Supervisor Kim, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:20 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Mark Morodomi (Supervising Attorney, City of Oakland), Acting Special Counsel
John St.Croix, Director of the Ethics Commission
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and Filed.

RECONVENING OF THE BOARD

The Board at the hour of 5:30 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Farrell, seconded by Supervisor Campos, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Rules Committee Without Recommendation

Supervisor Mirkarimi was noted absent at 5:35 p.m. for the remainder of the meeting.

110718 [Campaign and Governmental Conduct Code - Capping the Amount of Public Matching Funds]

Sponsors: Farrell; Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.144 to cap the amount of public matching funds.

Privilege of the floor was granted to Mark Morodomi (Supervising Attorney, City of Oakland), Acting Special Counsel, and John St. Croix, Director of the Ethics Commission, who responded to questions raised throughout the discussion.

NOT PASSED ON FIRST READING by the following vote:
Ayes: 7 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 3 - Avalos, Kim, Mar
Absent: 1 - Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to October 4, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111035 [Grant Application - 2011 United States Department of Housing and Urban Development Continuum of Care Programs]

Sponsor: Mayor

Resolution approving the City and County of San Francisco 2011 grant application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

ADOPTED

111036 [Urging Governor Jerry Brown to Sign Assembly Bill 101 - Quality Family Child Care Act]

Sponsors: Avalos; Mar

Resolution urging Governor Jerry Brown to sign Assembly Bill 101, the Quality Family Child Care Act.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

111037 [Accept and Expend Grant - Community Health Assessment and Community Health Improvement Plan Demonstration Site Project - $33,833]

Sponsor: Campos

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $33,833 from National Association of County and City Health Officials to participate in a program entitled "Community Health Assessment and Community Health Improvement Plan Demonstration Site Project" for the period of July 5, 2011, through July 4, 2012.

ADOPTED

111038 [Accept and Expend Grant - Cross Bay Collaborative to Combat Human Trafficking Program - $60,000]

Sponsors: Kim; Chu and Mar

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $60,000 from Standing Against Global Exploitation to participate in a program entitled "Cross Bay Collaborative to Combat Human Trafficking" for the period of July 1, 2011, through June 30, 2012.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

111039 [Approval of a Six Month Extension for Planning Commission Review of Japantown Special Use District Provisions (File No. 110768)]

Sponsor: Mirkarimi

Resolution extending by six months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110768) that would amend the Planning Code by amending Section 249.31 to prohibit a Medical Service Use or a Business or Professional Use on the ground floor in the area zoned NC-2 in the Japantown Special Use District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

111040 [Accept and Expend Grant - Central Asia Surveillance Assessment - $23,933]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from Columbia University in the amount of $23,933 to participate in a program entitled "Central Asia Surveillance Assessment" for the period of April 1, 2011, through June 30, 2011.

ADOPTED

111041 [Accept and Expend Grant - Atlanta HQ University of California San Francisco Technical Assistance - $13,595]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California San Francisco in the amount of $13,595 to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for AIDS" for the period of October 1, 2011, through March 31, 2012.

ADOPTED

111042 [Urging Congress to Provide Funding for the Land and Water Conservation Fund]

Sponsor: Wiener

Resolution urging Congress to provide funding for the Land and Water Conservation Fund.

ADOPTED

111043 [Accept and Expend Grant - Atlanta HQ University of California San Francisco Technical Assistance - $27,189]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California San Francisco in the amount of $27,189 to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for AID" for the period of April 1, 2011, through March 31, 2012.

ADOPTED

111026 [Final Map 5625 - 333 Greenwich Street]

Motion approving Final Map 5625, a Five Unit Residential Condominium Project, located at 333 Greenwich Street being a subdivision of Assessor's Block No. 0086, Lot No. 010; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

Motion No. M11-144

APPROVED

111027 [Final Map 6395 - 2829 California Street and 1933 Divisadero Street]

Motion approving Final Map 6395, a 13 Residential Unit and Three Commercial Unit Mixed-Use Condominium Project, located at 2829 California Street and 1933 Divisadero Street being a subdivision of Assessor's Block No. 1028, Lot Nos. 003 and 028; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-145

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mar, seconded by Supervisor Avalos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mar, seconded by Supervisor Avalos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

111055 [Karen Bishop Day - September 27, 2011]
Sponsors: Mar; Kim
Resolution declaring September 27, 2011, to be Karen Bishop Day in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110993 [Police Code - Commercial Parking Permits]
Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

09/19/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 10/27/2011.

110994 [Transportation Code - Clipper Card Regulations]
Ordinance amending the San Francisco Transportation Code, Article 7, Division I, by adding Section 7.2.104 to regulate the use of Clipper Cards on transit vehicles or in Proof of Payment Zones. (Municipal Transportation Agency)

09/19/11; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/27/2011.

110995 [Mission Bay South Blocks 41-43, Phase 2 - Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 41-43, Phase 2, including acquisition facilities on Owens Street and within public utility easements in private streets; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating Owens Street and improvements for street and roadway purposes; establishing street grades and sidewalk widths on Owens Street; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/19/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110996 [Mission Bay Park Block P16 - Improvements]

Ordinance dedicating City property and portions of State Trust Parcels 4 and 5, known as Mission Bay Park Block P16, lying along Third Street, Mission Bay Boulevard North and Mission Bay Boulevard South for public use and naming the new park "Mission Bay Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/19/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:01 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

OCT - 7 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 4, 2011 - 2:00 PM

Hearing Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

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ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110900 [Administrative Code - Film Fees and Rebate Program]

Sponsor: Farrell

Ordinance amending the San Francisco Administrative Code Sections 57.5 and 57.8 to: 1) decrease filming fees for smaller-budget productions; 2) include documentary films, docudrama films, and "reality" programming among eligible productions for the Film Rebate Program; 3) exempt productions by nonprofit entities, public service announcements, and qualifying student productions from film fees; and 4) make environmental findings.
(Fiscal Impact)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

110884 [Accept and Expend Grant - the STOP Study - $443,333]

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Centers for Disease Control and Prevention in the amount of $443,333 to fund the STOP Study for the period of June 15, 2011, through June 14, 2012.

ADOPTED

Recommendation of the Public Safety Committee

110846 [Administrative Code - Postrelease Community Supervision Program]

Sponsors: Mirkarimi; Cohen

Ordinance amending the San Francisco Administrative Code by adding Article XXII, Sections 2A.300 and 2A.301, Chapter 2A to: 1) designate the Adult Probation Department as the county agency responsible for providing postrelease community supervision to eligible inmates released from state prison, as required under California Penal Code section 3451; and 2) authorize the Adult Probation Department to develop a Home Detention and Electronic Monitoring Program that can be used as a supervision tool and sanction for persons who violate conditions of their Postrelease Community Supervision Program.

FINALLY PASSED

Recommendations of the Rules Committee

110139 [Settlement of Lawsuit - Loren Miller Homes - $317,500]

Ordinance authorizing settlement of the lawsuit filed by Loren Miller Homes, a California corporation, against the City and County of San Francisco for $317,500; the lawsuit was filed on July 22, 2010, in San Francisco Superior Court, Case No. CGC-10-501831; entitled Loren Miller Homes v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

110692 [Settlement of Lawsuit - West Bay Builders, Inc. - City to Retain $900,000]

Ordinance authorizing settlement of the lawsuit entitled West Bay Builders, Inc. v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-10-503366, arising from a breach of contract dispute regarding Contract No. 6159A for construction of a new Recreation and Park Department (RPD) facility known as the Minnie and Lovie Ward Recreation Center and Ocean View Park, for which West Bay Builders, Inc., served as the prime contractor, calling for the RPD to retain $900,000 from the contract balance and including other material terms of said settlement. (City Attorney)

FINALLY PASSED

110954 [Settlement of Lawsuit - Julio Calero - $75,000]

Ordinance authorizing settlement of the lawsuits filed by Julio Calero against the City and County of San Francisco for $75,000; the lawsuits were filed on September 18, 2009, and March 19, 2010, in San Francisco Superior Court, Case Nos. CGC-08-479969 and CGC-10-497921; entitled Julio Calero, et al. v. City and County of San Francisco, et al. and Julio Calero, et al. v. Colin Construction Company, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the Consent Agenda

Supervisor Mirkarimi requested that File No. 110901 be severed so that it may be considered separately.

Recommendation of the Public Safety Committee

110901 [Police Code - Safe Storage and Enhanced-Lethality Ammunition Findings]

Sponsors: Mirkarimi; Campos, Cohen and Chiu

Ordinance amending the San Francisco Police Code by adding Sections 4511 and 613.9.5 to add findings to ordinances: 1) requiring a handgun to be kept in a locked container or disabled with a trigger lock; and 2) prohibiting the sale of enhanced-lethality ammunition.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

110720 [Administrative Code - Gift Funds]

Sponsors: Mayor; Chiu and Chu

Ordinance amending the San Francisco Administrative Code Sections 10.100-100 and 10.100-106, and adding Section 10.100-257 to: 1) create a Recreation and Parks Gift Fund; 2) update the Mayor's Earthquake Emergency Relief Fund to broaden its purpose as a general disaster recovery fund; and 3) amend the Mayor's Fund for the homeless to change the administering agency.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110854 [Environment Code - Green Building Requirements for City Buildings]

Sponsors: Mayor; Mar

Ordinance amending the San Francisco Environment Code, Chapter 7, Sections 700 through 713 to update the green building requirements for the design, construction, and operation of City buildings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee Without Recommendation

110589 [Planning Code - Zoning Map - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street]

Sponsors: Chiu; Avalos, Kim, Mar, Mirkarimi and Campos

Ordinance amending the San Francisco Planning Code Section Map 2SU, and adding Section 249.55 to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mirkarimi, Wiener
Noes: 1 - Farrell
Absent: 1 - Mar

From the Rules Committee Without Recommendation

110718 [Campaign and Governmental Conduct Code - Capping the Amount of Public Matching Funds]

Sponsors: Farrell; Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.144 to cap the amount of public matching funds.

Privilege of the floor was granted to Mark Morodomi (Supervising Attorney, City of Oakland), Acting Special Counsel, who responded to questions raised throughout the discussion.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110955 [Settlement of Lawsuits - Mitchell Engineering; Authorization of Bonds and Appropriation of Funds - Not to Exceed $15,750,000]

Ordinance: 1) authorizing settlement of all claims arising out of nine lawsuits involving Mitchell Engineering and the City and County of San Francisco; 2) declaring the intent of the San Francisco Public Utilities Commission to reimburse certain expenditures for settlement costs from proceeds of future bonded indebtedness for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended; 3) authorizing the issuance of Settlement Bonds in connection therewith, as well as the associated financing cost to issue; 4) appropriating $15,750,000, including insurance proceeds in the total amount of $750,000, project construction funds in the total amount of $920,207, and proceeds of Settlement Bonds in the amount of $14,079,793; and 5) authorizing the use of substitute fund balance as a source in lieu of Settlement Bonds if available. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110870 [Engineering Design Agreement No. CS-879A - Water System Improvement Program - Not to Exceed $14,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879A for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed $14,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110871 [Engineering Design Agreement No. CS-879B - Water System Improvement Program - Not to Exceed $15,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879B for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed $15,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110872 [Engineering Design Agreement No. CS-879C - Water System Improvement Program - Not to Exceed $16,500,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879C for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed $16,500,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110874 [Management Services Agreement No. CS-918 - Water System Improvement Program - Not to Exceed $17,500,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase New Irvington Tunnel Construction Management Services Agreement No. CS-918 for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed $17,500,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110875 [Management Services Agreement No. CS-963 - Water System Improvement Program - Not to Exceed $34,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Program Construction Management Services Agreement No. CS-963 for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed $34,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110960 [Office of the Controller to Examine Confidential State Board of Equalization Tax Records]

Resolution authorizing designated officers and employees of the City and County of San Francisco to examine sales or transactions and use tax records of the State Board of Equalization pursuant to California Revenue and Taxation Code Section 7056. (Controller)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110961 [MuniServices, LLC, to Examine Confidential State Board of Equalization Tax Records]

Resolution authorizing MuniServices, LLC, to examine sales or transactions and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056. (Controller)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110972 [Contract - San Francisco Community Health Authority - Provider Payment Services for the Healthy San Francisco Program]

Sponsor: Mayor

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract with the San Francisco Community Health Authority for provider payment services for the Healthy San Francisco Program for the term of July 1, 2011, through June 30, 2012.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111005 [Accept and Expend Grant - Primary and Behavioral Health Care Integration - $473,485]

Sponsor: Kim

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from Department of Health and Human Services, Substance Abuse and Mental Health Services, and Center for Mental Health Services in the amount of $473,485 to fund the Primary and Behavioral Health Care Integration for the period September 1, 2011, through August 31, 2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

111034 [Tax Credit Agreement - U.S. Bancorp - SFJazz Investment of $11,104,275]

Sponsor: Kim

Resolution making findings under the California Environmental Quality Act and approving a new market tax credit indemnification agreement with U.S. Bancorp Community Development Corporation in connection with its investment of $11,104,275 for the new SFJazz Building at 205 Franklin Street.
(Fiscal Impact)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 5, Line 12, by adding 'FURTHER RESOLVED, That the proposed Indemnification Agreement is limited to U.S. Bancorp's purchase of $15,000,000 of New Market Tax Credits from SFCIF and not from the purchase of New Market Tax Credits from other community development entities; and, be it'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Privilege of the floor was granted to Stephen Maduli-Williams (Redevelopment Agency) who responded to questions raised throughout the discussion.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the City Operations and Neighborhood Services Committee Without Recommendation

110899 [Administrative Code - False Advertising by Limited Services Pregnancy Centers]

Sponsors: Cohen; Chiu, Wiener, Kim, Chu, Mar and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 93, Sections 93.1 through 93.5, to prohibit limited services pregnancy centers from making false or misleading statements to the public about pregnancy-related services the centers offer or perform.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to October 18, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

110791 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Hiring Practices of the City and County of San Francisco"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Hiring Practices of the City and County of San Francisco" and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110793 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "San Francisco's Ethics Commission: The Sleeping Watchdog"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "San Francisco's Ethics Commission: The Sleeping Watchdog" and urging the Mayor to cause the implementation of accepted findings and recommendations through his department heads and through the development of the annual budget. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 3, Line 4, by adding 'disagrees' after 'Supervisors'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 2, Line 19, by adding 'within the constraints of the budget' after '7'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Avalos, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 3, Line 2, by adding 'within the constraints of the budget' after '7'. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110913 [Gift Acceptance - Powell Street Promenade]

Sponsor: Kim

Resolution acknowledging and accepting the Union Square Business Improvement District's gift of the Powell Street Promenade on Powell Street, between Geary Boulevard and Ellis Street, and dedicating these improvements to public use.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Cohen was noted absent at 3:45 p.m. and noted present at 3:53 p.m.
Supervisor Elsbernd was noted absent at 3:45 p.m. and noted present at 3:53 p.m.
Supervisor Chu was noted absent at 3:45 p.m. and noted present at 3:53 p.m.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Kim, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the friends and family of the following honoree. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the friends and family of the late Eric Ivan Fructuoso in recognition of his accomplishments and community support. Supervisors Mirkarimi and Avalos shared in this recognition.

Supervisor Kim was noted absent at 7:24 p.m. and noted present at 7:33 p.m.
Supervisor Cohen was noted absent at 7:24 p.m. and noted present at 7:31 p.m.
Supervisor Farrell was noted absent at 7:32 p.m. and noted present at 7:45 p.m.

SPECIAL ORDER 4:00 P.M.

110945 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 1171 Sansome Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 16, 2010, Case No. 2008.015E, that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review under Categorical Exemption, General Rule Exclusion [State CEQA Guidelines Section 15061(b)(3)]. The proposed work involves subdivision of an existing undeveloped lot into a 3,300 square foot parcel and a 9,300 square foot parcel, Lot No. 40, in Assessor Block No. 113. (District 3) (Appellants: David Davies, Jack Weeden, and Verdica Puri)

(Filed August 22, 2011; Companion Measure to File Nos. 110946, 110947, and 110948.)

The President inquired as to whether any member of the public wished to address the Board. Susan Brandt-Hawley and Larry Karp (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Vedica Puri; John Gollinger; F. Joseph Butler; spoke in support of the appeal. Don Lewis; Nannie Turrell (Planning Department); Bruce Storrs (Department of Public Works) provided an overview of the decision of the Planning Department and Department of Public Works and responded to questions raised throughout the discussion. There were no representatives on behalf of the project sponsor and there were no speakers in support of the project. Susan Brandt-Hawley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110946 [Affirming the Exemption Determination - 1171 Sansome Street]

Motion affirming the determination by the Planning Department that the 1171 Sansome Street project (aka 1111 Sansome Street) is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110947 [Reversing the Exemption Determination - 1171 Sansome Street]

Motion reversing the determination by the Planning Department that the 1171 Sansome Street project (aka 1111 Sansome Street) is exempt from environmental review. (Clerk of the Board)

Motion No. M11-148

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110948 [Preparation of Findings to Reverse the Exemption Determination - 1171 Sansome Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review.

Motion No. M11-149

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

110835 [Public Hearing - Appeal of Tentative Parcel Map - 1171 Sansome Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 30, 2011, approving a Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (District 3) (Appellants: David Davies and Jack Weeden). (Clerk of the Board)
(Filed July 11, 2011; Companion Measure to File Nos. 110836, 110837, and 110838.)

The President inquired as to whether any member of the public wished to address the Board. Susan Brandt-Hawley and Larry Karp (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Vedica Puri; John Gollinger; F. Joseph Butler; spoke in support of the appeal. Don Lewis; Nannie Turrell (Planning Department); Bruce Storrs (Department of Public Works) provided an overview of the decision of the Planning Department and Department of Public Works and responded to questions raised throughout the discussion. There were no representatives on behalf of the project sponsor and there were no speakers in support of the project. Susan Brandt-Hawley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

Due to the actions on File Nos. 110946, 110947, 110948, the following three items are tabled by operation of law.

HEARD AT PUBLIC HEARING

110836 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1171 Sansome Street]

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map. (Clerk of the Board)

TABLED BY OPERATION OF LAW

110837 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1171 Sansome Street]

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

TABLED BY OPERATION OF LAW

110838 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1171 Sansome Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (Clerk of the Board)

TABLED BY OPERATION OF LAW

Supervisor Cohen was noted absent at 4:05 p.m. and noted present at 4:19 p.m.
Supervisor Elsbernd was noted absent at 4:29 p.m. and noted present at 4:35 p.m.
Supervisor Mirkarimi was noted absent at 5:59 p.m. and noted present at 7:10 p.m.
Supervisor Mar was noted absent at 6:17 p.m. and noted present at 7:33 p.m.

SPECIAL ORDER 4:00 P.M.

110977 [Public Hearing - Appeal of Mitigated Negative Declaration - 3151-3155 Scott Street]
Hearing of persons interested in or objecting to the decision of the Planning Department's issuance and the Planning Commission's affirmation of a Mitigated Negative Declaration (Case No. 2010.0420E) adopted and issued on July 14, 2011, under the California Environmental Quality Act, for a project located at 3151-3155 Scott Street. The proposed work involves the conversion of a building formerly used as a 29-room tourist hotel (d.b.a. King Edward II) to a group housing use with up to 24 affordable group housing units (for transitional age youth (i.e., youth transitioning out of foster care because they have turned 18 years old) between the ages of 18 and 24), one manager's unit, and rooms for programmatic needs. The subject property is located in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and a 40-X Height and Bulk District, Assessor's Block No. 0937, Lot No. 001. (District 2) (Appellants: Lori Brooke and Steven L. Hammond on behalf of the Cow Hollow Association, joined by Various Associations.) (Clerk of the Board)
(Filed September 8, 2011; Companion Measure to Files 110978; 110979, and 110980.)

The President inquired as to whether any member of the public wished to address the Board. Steve Hammond (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Charles Holden; Howard Squires; Lori Brooke; Alan Silverman; Pamela Squires; Alfred Amini; Eve Soloman; Ann Harvey; Carolyn Harrington; Mildred Ness; Pam Shawshack; Veronica Field; Jennifer Harrington; Patricia Vaughey; Jeff Wood; spoke in support of the appeal. Lisa Gibson; Andrea Contreras; AnMarie Rodgers; (Planning Department); Andrea Ruiz-Esquide (City Attorney's Office); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Gail Gilman; Wayne Barcelona; Cheryl Adams (Project Sponsors) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Charles Dickie; Seth Ketzman; Joseph Stickle; Vince Hinnegmann; Joel Lipski; Glendon Anaconda-Hyde; Reverend Arnold Townsend; Rob Giddon; Male Speaker; Steven Chung; Mark Slutzken; Barbara Abehr; Bill Campbell; Vanessa Geary; John Kalin; Thomas Sexton; Nathan Duran; Karen Summerich; Moni Vancer; Stephen Coke; Jeff Perry; Hinney Kelley; Morrie Singleton; Nadia Shireef; Jose Luis Mejia; Sherry Williams; Sandra Banya-Torrey; Richard Singleton; Jeff Bostick; Lisa Blakley; Tim Cullen; Amy Vinehard; Bob; Joe Mathis; Dierdre Cohen; Aguila Dunn; Bryon Whitton; Bob Bardell; Chris Jackson; Peter Cohen; Jennifer Freedomblach; Otto Duffy; spoke in support of the project and in opposition to the appeal. Steve Hammond (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110978 [Affirming the Issuance of a Final Mitigated Negative Declaration - 3151-3155 Scott Street]

Motion affirming the issuance by the Planning Department of a Final Mitigated Negative Declaration for a project located at 3151-3155 Scott Street. (Clerk of the Board)

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Absent: 2 - Mar, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion No. M11-146

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110979 [Reversing the Issuance of a Final Mitigated Negative Declaration - 3151-3155 Scott Street]

Motion reversing the issuance by the Planning Department of a Final Mitigated Negative Declaration for 3151-3155 Scott Street.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Absent: 2 - Mar, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110980 [Preparation of Findings to Reverse the Issuance of a Final Mitigated Negative Declaration - 3151-3155 Scott Street]

Motion directing the Clerk of the Board to prepare findings reversing the issuance by the Planning Department of a Final Mitigated Negative Declaration for 3151-3155 Scott Street. (Clerk of the Board)

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Absent: 2 - Mar, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

110935 [Public Hearing - Conditional Use Appeal - 3151-3155 Scott Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 14, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ, by its Motion No. 18405, under Planning Code Sections 303 and 249.55 to convert a vacant tourist hotel (dba Edward II Inn) to a group housing use containing up to 25 units (24 units for transitional age youth between 18 and 24, and one manager's unit) within the NC-3 (Moderate Scale, Neighborhood Commercial) District, the Lombard and Scott Street Affordable Group Housing Special Use District (SUD) and a 40-X Height and Bulk District, on property located at 3151-3155 Scott Street, Assessor's Block No. 0937, Lot No. 001. (District 2) (Appellant: Adam Polakoff on behalf of Cow Hollow Association, joined by Various Associations.)
(Filed August 15, 2011; Companion Measure to File Nos. 110936, 110937, and 110938.)

The President inquired as to whether any member of the public wished to address the Board. Steve Hammond (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Charles Holden; Howard Squires; Lori Brooke; Alan Silverman; Pamela Squires; Alfred Amini; Eve Soloman; Ann Harvey; Carolyn Harrington; Mildred Ness; Pam Shawshack; Veronica Field; Jennifer Harrington; Patricia Vaughey; Jeff Wood; spoke in support of the appeal. Lisa Gibson; Andrea Contreras; AnMarie Rodgers; (Planning Department); Andrea Ruiz-Esquide (City Attorney's Office); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Gail Gilman; Wayne Barcelona; Cheryl Adams (Project Sponsors) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Charles Dickie; Seth Ketzman; Joseph Stickle; Vince Hinnegmann; Joel Lipski; Glendon Anaconda-Hyde; Reverend Arnold Townsend; Rob Giddon; Male Speaker; Steven Chung; Mark Slutzken; Barbara Abehr; Bill Campbell; Vanessa Geary; John Kalin; Thomas Sexton; Nathan Duran; Karen Summerich; Moni Vancer; Stephen Coke; Jeff Perry; Hinney Kelley; Morrie Singleton; Nadia Shireef; Jose Luis Mejia; Sherry Williams; Sandra Banya-Torrey; Richard Singleton; Jeff Bostick; Lisa Blakley; Tim Cullen; Amy Vinehard; Bob; Joe Mathis; Dierdre Cohen; Aguila Dunn; Bryon Whitton; Bob Bardell; Chris Jackson; Peter Cohen; Jennifer Freedomblach; Otto Duffy; spoke in support of the project and in opposition to the appeal. Steve Hammond (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110936 [Approving the Planning Commission's Decision Related to the Conditional Use Authorization - 3151-3155 Scott Street]

Motion approving the Planning Commission's decision, by its Motion No. 18405, approving the Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M11-147

Supervisor Chiu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mirkarimi, Wiener
Noes: 1 - Farrell
Absent: 1 - Mar

110937 [Disapproving Planning Commission's Decision Related to the Conditional Use Authorization - 3151-3155 Scott Street]

Motion disapproving the Planning Commission's decision, by its Motion No. 18405, approving Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mirkarimi, Wiener
Noes: 1 - Farrell
Absent: 1 - Mar

110938 [Preparation of Findings Related to the Conditional Use Authorization - 3151-3155 Scott Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mirkarimi, Wiener
Noes: 1 - Farrell
Absent: 1 - Mar

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

110998 [Administrative Code - Health Care Security Ordinance]

Sponsors: Campos; Cohen, Mar, Avalos, Kim and Mirkarimi

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, and 14.4 to: 1) clarify that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) add an employee notification requirement; 3) modify penalty provisions; and 4) set an operative date.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED on Page 5, Line 1, by replacing '(A) A former employee has not made a claim for any of the remaining available funds for 18 months (including a claim made on behalf of any other person eligible for reimbursement from health care expenses from the former employee's remaining available funds); or,' with '(A) The covered employee has not performed work for the employer for 18 months; or,'; and on Page 10, Lines 3, 5, and 6, by replacing '14.3(b)' with '14.3(c)'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Cohen, Kim, Mar, Mirkarimi
Noes: 5 - Chiu, Chu, Elsbernd, Farrell, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Alicia Gamez; expressed various concerns relating to the sunset date of the Noise Pollution Task Force.
Female Speaker; expressed concerns relating to falong gong.
Peter Li; expressed concerns relating to falong gong.
Martin Wong; expressed concerns relating to falong gong.
Derek; expressed concerns relating to falong gong.
Helena Li; expressed concerns relating to falong gong.
Kevin Hui; expressed concerns relating to falong gong.
Sharon Uey; expressed concerns relating to human rights and violence in the community.
Tom Gilberty; expressed concerns relating to noise pollution.
Peter Warfield; expressed concerns relating to the SF Public Library and alterations of the Park Branch Library.
Joseph Butler; expressed concerns relating to alternations of the Park Branch Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111062 [Mission Hiring Hall Day - October 13, 2011]

Sponsors: Avalos; Mar

Resolution declaring October 13, 2011, as Mission Hiring Hall Day in the City and County of San Francisco to commemorate the 40th Anniversary and to acknowledge its contributions to community based employment services and honoring Mission Hiring Halls commitment to the creation, preservation, and advocacy of economic justice for our San Francisco workers and communities.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

111063 [Supporting the Central Subway Project and Replacement Housing Obligation]

Sponsors: Chiu; Kim, Cohen, Mar, Wiener, Elsbernd, Mirkarimi, Chu, Avalos, Campos and Farrell

Resolution supporting the Central Subway Project, replacement of all demolished rent controlled units, and that which provides relocation packages to all displaced tenants.

ADOPTED

111064 [Walk to School Day - October 5, 2011]

Sponsor: Kim

Resolution declaring October 5, 2011, as Walk to School Day in the City and County of San Francisco to promote the safety and health of San Francisco children.

ADOPTED

111065 [Extending the Life of the Western SoMa Citizens Planning Task Force]
Sponsor: Kim
Resolution extending the life of the Western SoMa Citizens Planning Task Force.

ADOPTED

111066 [George Washington High School Day - October 15, 2011]
Sponsor: Mar
Resolution celebrating the Diamond Jubilee of George Washington High School and proclaiming October 15, 2011, as George Washington High School Day in the City and County of San Francisco.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 111061 be severed so that it may be considered separately.

111061 [Urging Governor Jerry Brown to Support Assembly Bill 438 - Protect Public Libraries from for-Profit Corporation Takeovers]
Sponsor: Avalos
Resolution urging Governor Jerry Brown to support and implement Assembly Bill 438 that protects public libraries from for profit corporate takeovers.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED to October 18, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111024 [Settlement of Lawsuit - Norman T. Larson, et al. - $122,500]

Ordinance approving settlement of the lawsuit filed by Norman T. Larson, San Francisco Apartment Association, San Francisco Association Of Realtors, Coalition For Better Housing, Round Hill Pacific and John Zanghi (collectively "Larson Petitioners") against the City and County of San Francisco by payment by the City and County of San Francisco to the Larson Petitioners' counsel Nielsen Merksamer Parrinello Gross & Leoni, LLP, in the amount of $122,500 and other terms; the lawsuit was filed on December 10, 2008, in the San Francisco Superior Court, Case No. 509-083, entitled Larson et al. vs. City and County of San Francisco. (City Attorney)

09/21/11; RECEIVED AND ASSIGNED to Rules Committee.

111025 [Settlement of Lawsuit - City to Pay $500 for Sub-Surface Easement in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100. (City Attorney)

09/23/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110372 [Contract Amendment - San Francisco General Hospital - Emergency Electrical Generation System - Not to Exceed $20,500,000]

Resolution authorizing the Director of Public Works to execute an amendment to the emergency public work contract to install a new, permanent emergency electrical generation system at San Francisco General Hospital to increase the not to exceed amount from $18,000,000 to $20,500,000. (Public Works Department)

09/20/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110986 [Airport Concession Lease - Amendment No. 1 to Terminal 3 Newstands - Pacific Gateway Concessions, LLC]

Resolution approving Amendment No. 1 to Terminal 3 Newsstands Lease No. 04-0165 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

09/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110987 [Airport Concession Lease - Amendment No. 4 to Boarding Areas B and C Principal Retail - Pacific Gateway Concessions, LLC]

Resolution approving Amendment No. 4 to Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

09/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110988 [Airport Concession Lease - Amendment No. 3 to North Terminal Bookstore - Books, Inc.]

Resolution approving Amendment No. 3 to North Terminal Bookstore Lease No. 00-0176 between Books, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

09/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111023 [Agreements - Renewable Energy Generating Facilities]

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into two long term interconnection agreements for renewable energy generating facilities, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

09/26/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:03 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

OCT 21 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 18, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of September 6, 2011, and September 13, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

111093 [Formal Policy Discussions - October 18, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 2, 4, 6, 8, and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Assuming Proposition C passes in the November election, the City will save $1.3 billion over the next 10 years from higher pension contributions from city employees and caps on pensions for new employees, among other changes. Pension reform will continue to be an issue however as projections indicate that pension costs may well exceed $700 million by 2014-2015, according to the most recent estimates from the Controller's Office. What plans do you have to continue the conversation and potential reforms in this regard? (Supervisor Farrell, District 2)

2. The Healthy San Francisco Program was adopted and implemented by the City several years ago and has experienced steady increases in enrollment over time. What impact has the Healthy San Francisco Program had on health outcomes in the City? What impact has the Healthy San Francisco Program had on reducing the utilization of emergency room visits and reducing costs? Given the Program's performance so far, and given new requirements and policies enacted at the federal level around health care reform, will you be recommending any adjustments or changes to the program? (Supervisor Chu, District 4)

3. Please describe the plan that our offices have been developing for the OccupySF demonstration, given the projected long-term nature of this protest. How can our City, including the Department of Public Health, Department of Public Works, Department of Recreation and Park, and the San Francisco Police Department address public health concerns and the costs associated with that, and protect the 1st Amendment right of OccupySF participants? (Supervisor Kim, District 6)

4. Our taxi system is a critical part of our transit system. We will never truly get people out of their cars without reliable taxi service. Yet it's been more than a decade since we have significantly improved service. Current service levels are inadequate and unacceptable. Municipal Transportation Agency (MTA) is in the process of issuing approximately 85 new permits, and that is a modest first step. Understanding that California Environmental Quality Act (CEQA) clearance may be required to achieve a larger increase in the number of taxis, how do you plan to ensure that MTA meaningfully addresses the lack of adequate taxi service? Will you include in next year's budget funding for any CEQA clearance that may be required to support a significant increase in the number of taxi permits? (Supervisor Wiener, District 8)

5. The City's approach to code enforcement involves a number of departments including the Department of Building Inspection, Police Department, and City Attorney's Office. Throughout the City, and specifically in District 10, we continually see vacant and occupied properties with significant housing and other code violations that go unaddressed for months and sometimes even years. How do you propose to improve the response to complaints, inspection, citation, and enforcement of code violations? Additionally, what strategies or changes can be implemented to increase the City's efficiency in addressing these issues and capacity to take legal action against some of our most egregious property owners who refuse to abate code violations? (Supervisor Cohen, District 10)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Public Safety Committee

111002 [Accept and Expend Grant - Local Juvenile Justice Accountability Measures - $149,896]

Sponsor: Campos

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of $149,896 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

ADOPTED

Recommendations of the Rules Committee

110958 [Appointments, Assessment Appeals Board No. 1 - Diane Robinson and Richard Lee]

Motion appointing Diane Robinson and Richard Lee, terms ending September 1, 2014, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Diane Robinson, seat 3, succeeding herself, term expired, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or a Property Appraiser certified by the Office of Real Estate Appraisers; or as a current member of the Assessment Appeals Board, for a three-year term ending September 1, 2014.

Richard Lee, seat 7 (ALTERNATE /HEARING OFFICER), succeeding himself, term expired, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or a Property Appraiser certified by the Office of Real Estate Appraisers; or as a current member of the Assessment Appeals Board, for a three-year term ending September 1, 2014.

Motion No. M11-150

APPROVED

110959 [Appointment, Assessment Appeals Board No. 2 - Ed Campana]

Motion appointing Ed Campana, term ending September 1, 2014, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Ed Campana, seat 8 (ALTERNATE /HEARING OFFICER), succeeding Joseph Tham, term expired, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or a Property Appraiser certified by the Office of Real Estate Appraiser; or as a current member of the Assessment Appeals Board, for a three-year term ending September 1, 2014.

Motion No. M11-151

APPROVED

111070 [Appointment, Bicycle Advisory Committee - Richard May]

Motion appointing Richard May, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Richard May, seat 6, succeeding Jake Wegmann, resigned, must be a nominee of District 6 Supervisor. The member shall serve a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Motion No. M11-152

APPROVED

111071 [Appointment, Sweatfree Procurement Advisory Group - Robert Rosoff]

Motion appointing Robert Rosoff, term ending December 17, 2013, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

Motion No. M11-153

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

110899 [Administrative Code - False Advertising by Limited Services Pregnancy Centers]
Sponsors: Cohen; Chiu, Wiener, Kim, Chu, Mar, Campos and Avalos
Ordinance amending the San Francisco Administrative Code by adding Chapter 93, Sections 93.1 through 93.5, to prohibit limited services pregnancy centers from making false or misleading statements to the public about pregnancy-related services the centers offer or perform.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

From the Government Audit and Oversight Committee Without Recommendation

110998 [Administrative Code - Health Care Security Ordinance]
Sponsors: Campos; Cohen, Mar, Avalos, Kim and Mirkarimi
Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, and 14.4 to: 1) clarify that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) add an employee notification requirement; 3) modify penalty provisions; and 4) set an operative date.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Cohen, Kim, Mar, Mirkarimi
Noes: 5 - Chiu, Chu, Elsbernd, Farrell, Wiener

From the Land Use and Economic Development Committee Without Recommendation

110589 [Planning Code - Zoning Map - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street]

Sponsors: Chiu; Avalos, Kim, Mar, Mirkarimi and Campos

Ordinance amending the San Francisco Planning Code Section Map 2SU, and adding Section 249.55 to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Farrell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110903 [Administrative Code - Nonprofit Annual Economic Statement]

Ordinance amending the San Francisco Administrative Code Section 10.1 to allow Nonprofits receiving City funding to provide and update information directly to City Departments as an alternative to filing annual economic statements with the City Administrator. (City Administrator)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111051 [Accept and Expend Grant - Electric Vehicle Charging Station Program and Amendment to the Annual Salary Ordinance for FY2011-2012 - $100,000]

Sponsor: Mayor

Ordinance authorizing the Department of the Environment to accept and expend funds in the amount of $100,000 from Coulomb Technologies, Inc., to provide administrative and outreach services for a program to install electric vehicle charging stations in multiple-dwelling units and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101539 [Cost-Sharing Agreement - BART - Paratransit Services]

Sponsor: Chu

Resolution retroactively approving a Cost-Sharing Agreement for Paratransit Services between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District for a period of up to ten years.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110933 [Contract Amendment - Western States Oil - Not to Exceed $78,300,000]

Resolution approving the Fifth Amendment to the Agreement between the City and Western States Oil increasing the total not-to-exceed amount of the contract from $50,500,000 to $78,300,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110985 [Real Property Lease Amendment - Stuart B. and Myrna J. Aronoff Revocable Trust and Trudy Cohn - 160 South Van Ness Avenue]

Resolution authorizing the amendment of an existing lease at 160 South Van Ness Avenue, with Stuart B. and Myrna J. Aronoff Revocable Trust and Trudy Cohn as Tenants in Common, for the Human Services Agency to provide a construction allowance and extend the lease term. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111003 [Termination Agreement(s) - Breda Light Rail Vehicle Leveraged Lease Transactions]

Sponsors: Farrell; Chu

Resolution authorizing the Municipal Transportation Agency to enter into one or more consensual termination agreements with the equity investors and other parties that participated in the leveraged lease transactions executed in 2002 and 2003 with respect to the San Francisco Municipal Transportation Agency's Breda light rail vehicles, provided that there is no net financial cost or liability to the City/San Francisco Municipal Transportation Agency for the terminations.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111010 [General Obligation Refunding Bonds - Series 2011-R1 - Not to Exceed $1,355,991,219]

Sponsor: Mayor

Resolution authorizing the issuance from time to time, in one or more series, of not to exceed $1,355,991,219 aggregate principal amount of the City and County of San Francisco General Obligation Refunding Bonds, including the initial series or series of such Bond to be designated as "City and County of San Francisco General Obligation Refunding Bonds, Series 2011-R1," to refund certain outstanding General Obligation Bonds; approving the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories, verification agents, and other agents for said bonds; approving the form and authorizing the execution and delivery of escrow agreements relating to the refunded bonds; approving and directing the tax levy for repayment of said bonds; approving procedures for competitive or negotiated sales including approving forms of official notice of sale and notice of intention to sell said bonds and authorizing the selection of underwriters and the execution and delivery of bond purchase agreements; approving the form and authorizing the execution and delivery of continuing disclosure certificates; approving the form and authorizing the distribution of the preliminary official statement and authorizing the execution, delivery, and distribution of the official statement for the Series 2011 R1 Bonds; authorizing payment of costs of issuance of said bonds; approving modifications to documents; ratifying actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of the bonds and the refunding of certain outstanding General Obligation Bonds.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 30, beginning on Line 14, by adding 'Branch Library Faciliies Improvements (11/7/00) - 2002B (23,135,000), 2005G (34,000,000), 2008A (31,065,000)'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111023 [Interconnection Agreements - Renewable Energy Generating Facilities]

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into two long term interconnection agreements for renewable energy generating facilities, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111033 [Owner Controlled Insurance Program Amendment - Laguna Honda Hospital Replacement Program - Not to Exceed $17,323,400]

Sponsor: Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program from $15,382,933 to $17,323,400.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111087 [Multifamily Housing Revenue Bonds, Series 2011B - Fell Street Apartments - Not to Exceed $8,100,000]

Sponsor: Mirkarimi

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed $8,100,000 for the purpose of providing financing for the acquisition and rehabilitation of an 82 unit multifamily rental housing project, known as Fell Street Apartments; approving the form of and authorizing the execution of an indenture of trust providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the City Operations and Neighborhood Services Committee

111032 [Free MUNI Fast Pass for Youth]

Sponsors: Campos; Avalos, Cohen, Kim, Mar, Mirkarimi and Chiu

Resolution urging government agencies to work together to develop a free MUNI Fast Pass for San Francisco youth.

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Recommendation of the Land Use and Economic Development Committee

110590 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code Sections 181(d) and 188(b) to: 1) provide a process for the reconstruction of buildings damaged or destroyed by fire or acts of God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings, including environmental findings and Planning Code Section 302 findings.

Supervisor Cohen, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Public Safety Committee

110221 [Administrative Code - Community Policing]

Sponsors: Campos; Mirkarimi, Cohen, Mar, Avalos, Kim and Chiu

Ordinance amending the San Francisco Administrative Code by adding Section 2A.83 to: 1) set a policy of community policing in the City and County of San Francisco; 2) define community policing; and 3) urge the Police Commission and Chief of Police to review and as necessary amend the Police Department's policies and procedures for consistency with the community policing policy.

Supervisors Kim and Chiu requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

110348 [Health Code - Biological Agent Detector Registration and Fees]

Sponsor: Chiu

Ordinance amending the San Francisco Health Code by adding Article 35 to create a registration scheme, fees, and other requirements for Biological Agent Detectors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110969 [Agreement - Owners' Association - Administration/Management of Civic Center Community Benefit District]

Sponsor: Kim

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based Community Benefit District known as the "Civic Center Community Benefit District," pursuant to Section 36651 of the California Streets and Highways Code.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110738 [Public Hearing - Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for seven years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the sponsor. Male Speaker; Daniel Landry; Randell Evans; expressed various concerns relating to the district. There were no other speakers.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to December 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to December 13, 2011.

Committee of the Whole Adjourn and Report

110739 [Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for seven years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to December 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Cohen, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to Pierre Pegeron, Gustavo Manzanares, and the The Lower Haight Merchants and Neighbors Association for their heroic actions during the recent fire at 493 Haight Street. Joanne Hayes-White, Fire Chief, shared in this recognition.

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to former Executive Director, Fred Blackwell, of the Redevelopment Agency, in recognition of his 5 years of service. Supervisors Avalos, Campos, and Mirkarimi shared in this recognition.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the friends and family of the late Paul Gilman in recognition of his accomplishments and community support. Supervisor Chiu shared in this recognition.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Elsbernd was noted absent at 4:10 p.m. and noted present at 4:52 p.m.
Supervisor Mirkarimi was noted absent at 4:10 p.m. and noted present at 4:15 p.m.
Supervisor Farrell was noted absent at 4:10 p.m. and noted present at 5:17 p.m.
Supervisor Campos was noted absent at 4:10 p.m. and noted present at 4:19 p.m.
Supervisor Kim was noted absent at 4:25 p.m. and noted present at 4:39 p.m.
Supervisor Wiener was noted absent at 5:21 p.m. and noted present at 5:33 p.m.
Supervisor Elsbernd was noted absent at 5:33 p.m. and noted present at 5:54 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; spoke expressing support for OccupySF.
Reggie Monk; spoke expressing support for OccupySF
Female Speaker; spoke expressing support for OccupySF.
Elizabeth Freely; expressed various concerns relating to abortion.
Male Speaker; spoke expressing support for OccupySF.
Magick; spoke expressing support for OccupySF.
Diamond Dave; spoke expressing support for OccupySF.
Male Speaker; expressed various concerns relating to nutrition.
Sean Simmons; spoke expressing support for OccupySF.
Peter Merchini; spoke expressing support for OccupySF.
Cody; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Louie Vitale; spoke expressing support for OccupySF.
Michael Goldman; spoke expressing support for OccupySF.
Andy Blue; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Robert Benson; spoke expressing support for OccupySF.
Forrest Schmidt; spoke expressing support for OccupySF.
Diedre Auglin; spoke expressing support for OccupySF.
Howard Williams; spoke expressing support for OccupySF.
Jim Hobson; spoke expressing support for OccupySF.
Barbara Commins; spoke expressing support for OccupySF.
Art Persiko; spoke expressing support for OccupySF.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; spoke expressing support for OccupySF.
Aaron Knight; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Denzell Rashey; spoke expressing support for OccupySF.
Bill Peterson; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Susan Church; expressed various concerns relating to abortion.
Ryan Audreola; spoke expressing support for OccupySF.
Terry Joan Baum; spoke expressing support for OccupySF.
Carolyn Myers; spoke expressing support for OccupySF.
Carla Gottchalk; spoke expressing support for OccupySF.
Tim Hart; spoke expressing support for OccupySF.
Larry Felson; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Michael Leanos; spoke expressing support for OccupySF.
Eugene Gordon Jr.; expressed various concerns.
Alysabeth Alexander; spoke expressing support for OccupySF.
Sarah Schrader; expressed various concerns relating to Medical Cannabis.
Hunter Hallman; spoke expressing support for OccupySF.
Mecham; spoke expressing support for OccupySF.
Mesha; spoke expressing support for OccupySF.
Cory Cunningham; spoke expressing support for OccupySF.
Susan Adams; spoke expressing support for OccupySF.
Joseph Demears; spoke expressing support for OccupySF.
Carol Harvey; spoke expressing support for OccupySF.
Charley Pappas; spoke expressing support for OccupySF.

Mary Sanders; spoke expressing support for OccupySF.
Ve Wynn; spoke expressing support for OccupySF.
Male Speaker; expressed various religious concerns.
Brian Rugby; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.
Philip Oje; spoke expressing support for OccupySF.
Peter Warfield; expressed concerns relating to the SF Public Library.
Edmond Juicye; expressed various concerns.
Alex; spoke expressing support for OccupySF.
Ewan Mello; spoke expressing support for OccupySF.
Male Speaker; spoke expressing support for OccupySF.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111086 [Golden Gate Valley Branch Library Grand Reopening]

Sponsor: Farrell

Resolution recognizing the grand reopening of the Golden Gate Valley Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to the City and County of San Francisco and its residents.

ADOPTED

111088 [Designation of Authority Related to the California Housing and Community Development Infill Infrastructure Grant]

Sponsor: Mayor

Resolution authorizing any designee of the Mayor from the Mayor's Office of Housing to execute any documents necessary to participate in the State Infill Infrastructure Grant Program in accordance with the executed standard agreement with the California State Department of Housing and Community Development as authorized by Resolution No. 492-10.

ADOPTED

111089 [Recognizing the Completion and Celebrating the Reopening of McCoppin Square Park]

Sponsors: Chu; Elsbernd

Resolution recognizing the completion of the McCoppin Square rebuild project and celebrating the grand reopening of the park and playground.

Supervisor Elsbernd requested to be added as a co-sponsor.

ADOPTED

111091 [Approval of a 60-Day Extension for Planning Commission Review of Self-Service Restaurants, Retail Coffee Stores, and Video Stores (File No. 110152)]

Sponsor: Mirkarimi

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110152) that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and 7) making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 111061 be severed so that it may be considered separately.

111061 [Urging Governor Jerry Brown to Support Assembly Bill 438 - Protect Public Libraries from for-Profit Corporation Takeovers]

Sponsor: Avalos

Resolution urging Governor Jerry Brown to support and implement Assembly Bill 438 that protects public libraries from for profit corporate takeovers.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111067 [Administrative Code - Updating Job Classifications and Bargaining Units]
Ordinance amending the San Francisco Administrative Code Sections 16.200 through 16.222 to reflect changes in job classifications. (Human Resources Department)

10/03/11; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 11/17/2011.

111099 [Settlement of Lawsuit - Damian Fleming - $70,000]
Ordinance authorizing settlement of the lawsuit filed by Damian Fleming against the City and County of San Francisco for $70,000; the lawsuit was filed on July 14, 2010, in San Francisco Superior Court, Case No. CGC 10-501543, entitled Fleming v. City and County of San Francisco. (City Attorney)

10/07/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

111068 [Street Artist Spaces - Grant Avenue, O'Farrell to Sutter Streets]
Resolution approving re-designation of 22 selling spaces on Grant Avenue, O'Farrell to Sutter Streets, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(8)(2) prohibiting selling adjacent to a yellow zone. (Arts Commission)

10/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

111094 [Amendment to Memorandum of Understanding - Alameda County Resource Conservation District - Not to Exceed $775,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the first amendment to the Memorandum of Understanding with the Alameda County Resource Conservation District for an amount not to exceed $775,000 and with a total duration of fourteen (14) years, pursuant to Charter Section 9.118.

10/05/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111095 [Conveyance of Easement - Silicon Valley Power - Bay Division Pipeline Nos. 3 and 4 Crossovers Project - Santa Clara]

Resolution 1) approving and authorizing conveyance of a perpetual, nonexclusive easement to Silicon Valley Power, a division of the City of Santa Clara, at no charge, for the installation, construction, operation, inspection, maintenance, repair, and replacement of electrical facilities, including underground cable, a transformer and a meter in City's real property at the Guadalupe River site off Lick Mill Boulevard in the City of Santa Clara, to provide electrical power required for the Bay Division Pipeline Nos. 3 and 4 Crossovers Project No. CUW38001; 2) adopting findings under the California Environmental Quality Act; 3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 4) authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

10/07/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:33 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

OCT 28 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 25, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of September 20, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

110903 [Administrative Code - Nonprofit Annual Economic Statement]

Ordinance amending the San Francisco Administrative Code Section 10.1 to allow Nonprofits receiving City funding to provide and update information directly to City Departments as an alternative to filing annual economic statements with the City Administrator. (City Administrator)

FINALLY PASSED

111051 [Accept and Expend Grant - Electric Vehicle Charging Station Program and Amendment to the Annual Salary Ordinance for FY2011-2012 - $100,000]

Sponsor: Mayor

Ordinance authorizing the Department of the Environment to accept and expend funds in the amount of $100,000 from Coulomb Technologies, Inc., to provide administrative and outreach services for a program to install electric vehicle charging stations in multiple-dwelling units and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one grant funded position at the Department of the Environment.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

111068 [Street Artist Spaces - Grant Avenue, O'Farrell to Sutter Streets]

Resolution approving re-designation of 22 selling spaces on Grant Avenue, O'Farrell to Sutter Streets, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(8)(2) prohibiting selling adjacent to a yellow zone. (Arts Commission)

ADOPTED

Recommendation of the Public Safety Committee

110348 [Health Code - Biological Agent Detector Registration and Fees]

Sponsor: Chiu

Ordinance amending the San Francisco Health Code by adding Article 35 to create a registration scheme, fees, and other requirements for Biological Agent Detectors.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the Consent Agenda

Supervisor Chu requested that File No. 110968 be severed so that it may be considered separately.

Recommendation of the Land Use and Economic Development Committee

110968 [Changing the Street Name of a Portion of La Playa to Great Highway]

Sponsor: Chu

Resolution authorizing a street name change on a portion of La Playa Street between Lawton Street and Kirkham Street to "Great Highway" to correct a discrepancy in dual street names and eliminate confusion in delivering public services.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

110899 [Administrative Code - False Advertising by Limited Services Pregnancy Centers]

Sponsors: Cohen; Chiu, Wiener, Kim, Chu, Mar, Campos and Avalos

Ordinance amending the San Francisco Administrative Code by adding Chapter 93, Sections 93.1 through 93.5, to prohibit limited services pregnancy centers from making false or misleading statements to the public about pregnancy-related services the centers offer or perform.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

Recommendation of the Public Safety Committee

110221 [Administrative Code - Community Policing]

Sponsors: Campos; Mirkarimi, Cohen, Mar, Avalos, Kim and Chiu

Ordinance amending the San Francisco Administrative Code by adding Section 2A.83 to: 1) set a policy of community policing in the City and County of San Francisco; 2) define community policing; and 3) urge the Police Commission and Chief of Police to review and as necessary amend the Police Department's policies and procedures for consistency with the community policing policy.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111048 [Appropriating $1,000,000 of Mirant Potrero, LLC, Settlement Funds to the Department of Public Health for Neighborhood Improvement and Mitigation in FY2011-2012]

Sponsor: Cohen

Ordinance appropriating $1,000,000 of Mirant Potrero, LLC, settlement funds to the Department of Public Health for neighborhood improvement and mitigation in the neighborhoods most impacted by the Potrero Power Plant in FY2011-2012.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110372 [Contract Amendment - San Francisco General Hospital - Emergency Electrical Generation System - Not to Exceed $20,500,000]

Resolution authorizing the Director of Public Works to execute an amendment to the emergency public work contract to install a new, permanent emergency electrical generation system at San Francisco General Hospital to increase the not to exceed amount from $18,000,000 to $20,500,000. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

110796 [Board Response to the 2010-2011 Civil Grand Jury Report entitled "Hunters Point Shipyard: A Shifting Landscape"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Hunters Point Shipyard: A Shifting Landscape" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110816 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Log Cabin Ranch Moving Towards Positive Horizons"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Log Cabin Ranch Moving Towards Positive Horizons" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110908 [Urging the Municipal Transportation Agency to Halt Action on the Transfer of Credit Card Charges to Taxi Cab Drivers]

Sponsor: Campos

Resolution urging the San Francisco Municipal Transportation Agency to reconsider and abandon the decision to shift the burden of credit card merchant charges to the city cab drivers.
(Supervisor Farrell dissented in Committee.)

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

From the Government Audit and Oversight Committee Without Recommendation

111030 [Administrative Code - Health Care Security Ordinance]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, and 14.4 and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 3) require employers imposing surcharges to pay for the required expenditures to report certain information to OLSE in connection with the surcharge; 4) add an employee notification requirement; 5) modify penalty provisions; and 6) set an operative date.

Supervisor Cohen, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110995 [Mission Bay South Blocks 41-43, Phase 2 - Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 41-43, Phase 2, including acquisition facilities on Owens Street and within public utility easements in private streets; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating Owens Street and improvements for street and roadway purposes; establishing street grades and sidewalk widths on Owens Street; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110996 [Mission Bay Park Block P16 - Improvements]

Ordinance dedicating City property and portions of State Trust Parcels 4 and 5, known as Mission Bay Park Block P16, lying along Third Street, Mission Bay Boulevard North, and Mission Bay Boulevard South for public use and naming the new park "Mission Bay Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd was noted absent at 3:41 p.m. and noted present at 4:11 p.m.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Farrell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

RESTAURANT APPRECIATION MONTH
Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Restaurant Appreciation Month, their accomplishments, and their continued community support as referenced below:

Supervisor Mar recognized Namu; and
Supervisor Farrell recognized A16; and
Supervisor Chiu recognized Il Cane Rosso; and
Supervisor Chu recognized Outerlands Cafe; and
Supervisor Mirkarimi recognized Villa Romana; and
Supervisor Kim recognized Tin; and
Supervisor Campos recognized Mission Pie; and
Supervisor Wiener recognized Café XO; and
Supervisor Cohen recognized Poquito; and
Supervisor Avalos recognized Yama Sushi; and
Jason Elliott, representing on behalf of Mayor Lee, recognized Limon Rotisserie.

Luke O'Brien, President, Small Business Commission, shared in these recognitions.

SPECIAL ORDER 4:00 P.M.

Supervisor Mirkarimi was noted absent at 5:44 p.m. for the remainder of the meeting.

110950 [Conditional Use Appeal - 4141 Geary Boulevard/450 - 6th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 28, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0951C, by its Motion No. 18415, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of nine panel antennas and related equipment on an existing mechanical penthouse on the roof of a five-story publicly used structure (Kaiser Hospital) as part of Verizon's wireless telecommunications network within the RM-1 (Mixed, Low Density) and NC-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts, and a 80-E Height and Bulk District, on property located at 4141 Geary Boulevard/450 - 6th Avenue, Assessor's Block No. 1539, Lot No. 003. (District 1) (Filed by Sandra Fen Ng on behalf of the San Francisco Tomorrow and subscribed by Supervisors Mar, Avalos, Chiu, Kim, and Mirkarimi.)
(Filed August 29, 2011; Companion Measure to File Nos. 110951, 110952, and 11953.)

The President inquired as to whether any member of the public wished to address the Board. Jacquelyn Coo (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Female Speaker; Emanuel Garza; Laura Albert; Sofia; Debra Regano; M.J.; Genevieve Ewan; Elaine Moe; Thelma Moorhead; Amy O'Hare; Jennifer Clary; Doug Longherd; Mandy Sullivan; Female Speaker; Male Speaker; Male Speaker; Jacquelyn Lurch; Emily Reed; Matthew Yang; Gene; Female Speaker; Female Speaker; Yen; poke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Paul Albritton (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Mark Leach; Ron Lee; Gwen Eaton; Seth; Male Speaker; Jose Ricardo; Anne Yuen; Alan Yuen; Nathan Williams; Russ Bentson; spoke in support of the project and in opposition to the appeal. Doug Longherd (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110951 [Approving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be CONTINUED to November 1, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

110952 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be CONTINUED to November 1, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

110953 [Preparation of Findings Related to the Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be CONTINUED to November 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; spoke expressing support for OccupySF.
Sean Simmons; spoke expressing support for OccupySF.
Walter Paulson; shared in song certain concerns with the Board.
Jeremy Miller; expressed concerns relating to recent arrest of Fly Benzo.
Tracey Bell-Borden; expressed concerns relating to recent arrest of Fly Benzo.
Barbara Banks; expressed concerns relating to recent arrest of Fly Benzo.
Eugene Gordon, Jr.; expressed various concerns.
Brian McCuen; spoke expressing support for OccupySF.
John DiDonna; shared in poem certain concerns with the Board.
Male Speaker; expressed various religious concerns.
Female Speaker; expressed concerns relating to processed foods and support for proposed legislation.
Peter Warfield; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed various concerns.
Male Speaker; spoke expressing support for OccupySF.
Tom Gilberty; expressed concerns relating to noise pollution.
Male Speaker; expressed concerns relating to healthcare.
Larry Felson; expressed concerns relating to recent arrest of Fly Benzo.
Robin Cropp; expressed cnocerns relating to STD's.
Male Speaker; expressed various concerns.
Dave Schneider; expressed concerns relating to City pride.
Female Speaker; expressed various concerns.
Rua Graffis; expressed concerns relating to healthcare for taxi cab drivers.
Francisco Da Costa; expressed various concerns.
Ace Washington; expressed various concerns.
Otto Duffy; expressed concerns relating to homelessness.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111117 [Approval of the Ryan White HIV Emergency Relief Grant Program Application]

Sponsors: Mayor; Wiener

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV/AIDS Emergency Relief Grant Program (Ryan White Programs, Part A)" Grant from the Health Resources Services Administration, requesting $36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area from March 1, 2012, through February 28, 2013.

ADOPTED

111118 [Food Day - October 24, 2011]

Sponsors: Chiu; Mar and Mirkarimi

Resolution supporting the efforts of Food Day on October 24, 2011, in the City and County of San Francisco.

ADOPTED

111120 [Approval of a 30-Day Extension for Planning Commission Review of Rezoning of 312 Connecticut Street (File No. 110845)]

Sponsor: Cohen

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110845) amending the San Francisco Zoning Map Sheet No. ZN08 to: 1) rezone Block No. 4035, Lot No. 003 (312 Connecticut Street) from RH-2 to NC-2; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

111121 [Urging the Planning Commission to Initiate and Consider Amendments to the General Plan Concerning the SFMOMA Expansion/Fire Station Relocation and Housing Project]

Sponsor: Kim

Resolution urging the Planning Commission to initiate and consider amendments to Map 2 of the Community Facilities Element of the San Francisco General Plan as part of the SFMOMA Expansion/Fire Station Relocation and Housing Project (676 Howard Street and 935 Folsom Street).

ADOPTED

111119 [Waiver Permitting City Employees to Assist the Department of Elections with the November 8, 2011, Consolidated Municipal Election]

Sponsor: Chiu

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 8, 2011, Consolidated Municipal Election.

Motion No. M11-154

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 111122 be severed so that it may be considered separately.

111122 [Urging Preference to Certified Organic Food Vendors]

Sponsors: Mar; Campos and Avalos

Resolution urging the City and County of San Francisco to give preference to certified organic food vendors and to urge the federal government to label and test genetically engineered foods, as well as to assign liability to the commercial developers of genetically engineered technology.

REFERRED to the Public Safety Committee

Supervisor Chiu requested that File No. 111124 be severed so that it may be considered separately.

111124 [2012 Board of Supervisors Regular Meeting Schedule]

Motion establishing the 2012 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 3, January 17, February 21, May 29, October 9, November 13, and November 27; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 1 through August 31, and December 12 through December 31. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Cohen, moved that this Motion be AMENDED on Page 1, Line 5, by adding 'July 3,' before 'October 9'; and on Line 23, by adding 'July 3 (Fourth of July);' before 'October 9'. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

Motion No. M11-155

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

111096 [Contract Amendment - Western Area Power Administration - Electric Services]

Ordinance approving the second amendment to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power and scheduling coordinator services to Treasure Island and Yerba Buena Island; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of Section 21.19 of the San Francisco Administrative Code which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of Section 21.35 of the San Francisco Administrative Code which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission)

10/14/11; RECEIVED FROM DEPARTMENT.

10/25/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:03 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV - 4 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 1, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of September 27, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

Rick Caldeira, Legislative Deputy Director, informed the Board of Supervisors that he was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 110998 which would amend Administrative Code Sections related to the Health Care Security Ordinance..

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

111048 [Appropriating $1,000,000 of Mirant Potrero, LLC, Settlement Funds to the Department of Public Health for Neighborhood Improvement and Mitigation in FY2011-2012]

Sponsor: Cohen

Ordinance appropriating $1,000,000 of Mirant Potrero, LLC, settlement funds to the Department of Public Health for neighborhood improvement and mitigation in the neighborhoods most impacted by the Potrero Power Plant in FY2011-2012.

(Fiscal Impact)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

110995 [Mission Bay South Blocks 41-43, Phase 2 - Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 41-43, Phase 2, including acquisition facilities on Owens Street and within public utility easements in private streets; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating Owens Street and improvements for street and roadway purposes; establishing street grades and sidewalk widths on Owens Street; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

110996 [Mission Bay Park Block P16 - Improvements]

Ordinance dedicating City property and portions of State Trust Parcels 4 and 5, known as Mission Bay Park Block P16, lying along Third Street, Mission Bay Boulevard North, and Mission Bay Boulevard South for public use and naming the new park "Mission Bay Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

Recommendation of the Public Safety Committee

110883 [Accept and Expend Grant - Mass Notification System Security Improvements - $551,552]

Sponsor: Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $551,552 from the Department of Homeland Security, 2010 Port Security Grant Program, for Ferry Building and Ferry Terminal Mass Notification System improvements at the Port of San Francisco.

ADOPTED

Recommendations of the Rules Committee

111024 [Settlement of Lawsuit - Norman T. Larson, et al. - $122,500]

Ordinance approving settlement of the lawsuit filed by Norman T. Larson, San Francisco Apartment Association, San Francisco Association of Realtors, Coalition For Better Housing, Round Hill Pacific, and John Zanghi (collectively "Larson Petitioners") against the City and County of San Francisco by payment by the City and County of San Francisco to the Larson Petitioners' counsel Nielsen, Merksamer, Parrinello, Gross, and Leoni, LLP, in the amount of $122,500 and other terms; the lawsuit was filed on December 10, 2008, in the San Francisco Superior Court, Case No. 509-083, entitled Larson et al. vs. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

111025 [Settlement of Lawsuit - City to Pay $500 for Sub-Surface Easement in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100. (City Attorney)

PASSED, ON FIRST READING

111099 [Settlement of Lawsuit - Damian Fleming - $70,000]

Ordinance authorizing settlement of the lawsuit filed by Damian Fleming against the City and County of San Francisco for $70,000; the lawsuit was filed on July 14, 2010, in San Francisco Superior Court, Case No. CGC 10-501543, entitled Fleming v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

110390 [Authorizing Tax Collector to File Suit Against Responsible Relatives of Recipient of Services at City Hospitals to Recover Value of Services]

Resolution authorizing Tax Collector Attorney to file suit against responsible relatives to recover value of services rendered at hospital facilities operated by the San Francisco Department of Public Health. (Treasurer-Tax Collector)

ADOPTED

111072 [Appointments, Shelter Monitoring Committee - Simon Martinez, Deborah Muise, and Ramon Lacayo]

Motion appointing Simon Martinez, Deborah Muise, and Ramon Lacayo, terms ending November 23, 2012, to the Shelter Monitoring Committee. (Clerk of the Board)

Simon Martinez, seat 1, succeeding Rita Lark, resigned, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for the unexpired portion of a two-year term ending November 23, 2012.

Deborah Muise, seat 3, succeeding Mary Howe, resigned, must have experience providing direct services to the homeless through a community setting, for the unexpired portion of a two-year term ending November 23, 2012.

Ramon Lacayo (residency requirement waived), seat 4, succeeding Amanda Heier, term expired, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for the unexpired portion of a two-year term ending November 23, 2012.

APPROVED

111097 [Appointments, Immigrant Rights Commission - Kathleen Coll, Mario Paz, Angus McCarthy, Felix Fuentes, Melba Maldonado, and Toye Moses]

Motion appointing Kathleen Coll, Mario Paz, Angus McCarthy, Felix Fuentes, Melba Maldonado, and Toye Moses, terms ending June 6, 2013, to the Immigrant Rights Commission. (Clerk of the Board)

Kathleen Coll, seat 4, succeeding Melba Maldonado, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Mario Paz (residency requirement waived), seat 6, succeeding Lorena Melgarejo, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Angus McCarthy, seat 7, succeeding Angus McCarthy, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Felix Fuentes, seat 8, succeeding Felix Fuentes, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Melba Maldonado (residency requirement waived), seat 10, succeeding Ana Perez, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Toye Moses, seat 11, succeeding Toye Moses, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

Privilege of the floor was granted to Cheryl Adams (City Attorney's Office) who responded to questions raised throughout the discussion relating to File Nos. 110951, 110952, and 110953.

110951 [Approving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Supervisor Mar, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110952 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Supervisor Mar, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote::

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110953 [Preparation of Findings Related to the Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue.

Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Supervisor Mar, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Clerk

111169 [Adopting Findings Reversing the General Rule Exclusion Determination - 1171 Sansome Street]

Motion adopting findings reversing the Planning Department's determination that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review through a general rule exclusion. (Clerk of the Board)

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to November 8, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Government Audit and Oversight Committee Without Recommendation

111030 [Administrative Code - Health Care Security Ordinance]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 3) require employers imposing surcharges to pay for the required expenditures to report certain information to OLSE in connection with the surcharge; 4) add an employee notification requirement; 5) modify penalty provisions; and 6) set an operative date.

Supervisor Cohen, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Sections 14.1.5 and 14.1.6 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to health reimbursement account remain available to the employee for two years, rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

Supervisor Cohen requested to be added as a co-sponsor.

Privilege of the floor was granted to Jason Elliot (Mayor's Office) who responded to questions raised throughout the discussion.

Supervisor Cohen, seconded by Superviosr Chiu, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to November 15, 2011, with the Board sitting as a Committee of the Whole. The motion carried by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

110590 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code Sections 181(d) and 188(b) to: 1) provide a process for the reconstruction of buildings damaged or destroyed by fire or acts of God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings, including environmental findings and Planning Code Section 302 findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110999 [Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller)
(Fiscal Impact.)

Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 15, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111000 [Administrative Code - Certificates of Participation and Commercial Paper Debt Policies]

Sponsors: Mayor; Farrell, Chiu and Chu

Ordinance amending the San Francisco Administrative Code by adding Section 10.62 to adopt a binding financial policy under Charter Section 9.120 regarding certificates of participation and commercial paper. (Controller)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111001 [Administrative Code - Budget Procedures and Reporting Requirements]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Sections 3.3, 3.4, 3.5, 3.6, 3.20, 22A.6, 88.4, and by repealing Sections 88.8, and 88.10 to: 1) update budget procedures to accommodate two-year budget cycles and five-year financial planning requirements; and 2) eliminate outdated and duplicative reporting requirements. (Controller)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111084 [Appropriating $1,843,125 of Children's Fund Contingency in the Department of Children, Youth, and their Families to Fund Subsidized Child Care for Low Income Families - FY2011-2012]

Sponsors: Mayor; Mar

Ordinance appropriating $1,843,125 of Children's Fund Designated Contingency to the Department of Children, Youth, and their Families to allow California Department of Education Title Five Contractors to provide subsidized child care funding for low income families in order to mitigate State cuts in FY2011-2012.
(Fiscal Impact)

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111085 [Memorandum of Understanding, Amendment No. 4 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending its term to June 30, 2015, and implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110986 [Airport Concession Lease - Amendment No. 1 to Terminal 3 Newstands - Pacific Gateway Concessions, LLC]

Resolution retroactively approving Amendment No. 1 to Terminal 3 Newsstands Lease No. 04-0165 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110987 [Airport Concession Lease - Amendment No. 4 to Boarding Areas B and C Principal Retail - Pacific Gateway Concessions, LLC]

Resolution approving Amendment No. 4 to Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110988 [Airport Concession Lease - Amendment No. 3 to North Terminal Bookstore - Books, Inc.]

Resolution approving Amendment No. 3 to North Terminal Bookstore Lease No. 00-0176 between Books, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111009 [Adopting a Fixed Two-Year Budget for Airport, the Port, and the Public Utilities Commission]

Sponsors: Mayor, Chiu, Farrell and Chu

Resolution adopting a fixed two-year budgetary cycle for the Airport, the Port, and the Public Utilities Commission, defining terms, and setting deadlines. (Controller)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111010 [General Obligation Refunding Bonds - Series 2011-R1 - Not to Exceed $1,355,991,219]

Sponsor: Mayor

Resolution authorizing the issuance from time to time, in one or more series, of not to exceed $1,355,991,219 aggregate principal amount of the City and County of San Francisco General Obligation Refunding Bonds, including the initial series or series of such Bond to be designated as "City and County of San Francisco General Obligation Refunding Bonds, Series 2011-R1," to refund certain outstanding General Obligation Bonds; approving the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories, verification agents, and other agents for said bonds; approving the form and authorizing the execution and delivery of escrow agreements relating to the refunded bonds; approving and directing the tax levy for repayment of said bonds; approving procedures for competitive or negotiated sales including approving forms of official notice of sale and notice of intention to sell said bonds and authorizing the selection of underwriters and the execution and delivery of bond purchase agreements; approving the form and authorizing the execution and delivery of continuing disclosure certificates; approving the form and authorizing the distribution of the preliminary official statement and authorizing the execution, delivery, and distribution of the official statement for the Series 2011 R1 Bonds; authorizing payment of costs of issuance of said bonds; approving modifications to documents; ratifying actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of the bonds and the refunding of certain outstanding General Obligation Bonds.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110767 [Planning Code - Alcoholic Beverages in the Mission Alcoholic Beverage Special Use Subdistrict]

Sponsors: Kim; Wiener and Mar

Ordinance amending the San Francisco Planning Code Section 249.60 to: 1) permit bowling alleys and single screen theatres in the Mission Alcoholic Beverage Special Use Subdistrict to serve alcoholic beverages; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110984 [Transportation Code - Residential Parking Permit Application Penalties]

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading, or fraudulent information on a residential parking permit application. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

110967 [Police Code - Regulating Public Nudity in Restaurants and Public Seating Areas]
Sponsor: Wiener
Ordinance amending the San Francisco Police Code Section 1071.1 to: 1) prohibit public nudity in restaurants; and 2) prohibit sitting on public benches or public seating areas without clothing or some other separate material between the person's genitals, buttocks, or anal region and the seating surface.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Derek Kim, son of the late Kim Kun Tai, of the Korean American Community Association of the Bay Area, in recognition of his contributions and accomplishments to the Korean American Community.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Alan and Ellen Marks, co-founders of the California Brain Tumor Association, in recognition of their advocacy efforts relating to cell phone radiation exposure.

COMMITTEE REPORTS

Recommendations of the City Operations and Neighborhood Services Committee

111164 [Supporting the Occupy Wall Street Protest Movement and the People's Right to Peaceful Assembly]
Sponsors: Avalos; Campos, Kim and Mar
Resolution supporting the Occupy Wall Street Protest Movement and urging Mayor Lee to uphold people's right to peaceful assembly and collaborate with OccupySF to ensure the safety of the protestors, their supporters, and the greater public in the City and County of San Francisco.

Supervisor Avalos, seconded by Supervisor Kim, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution supporting the Occupy Wall Street Protest Movement and urging the City to uphold people's right to peaceful assembly and collaborate with OccupySF to ensure the safety of the protestors, their supporters, and the greater public.

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Resolution be AMENDED on Page 4, Line 12, by adding 'unless there is an objective threat to public safety or public health.' The motion carried by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

111165 [Supporting Regulated and Safe Patient Access to Medical Cannabis]
Sponsors: Campos; Mar, Avalos, Chiu, Mirkarimi, Kim and Wiener
Resolution supporting regulated and safe patient access to medical cannabis in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to public assembly.
Michael Goldman; expressed concerns relating to public assembly.
Male Speaker; expressed various concerns.
Female Speaker; expressed concerns relating to medical cannabis.
Joyce Collatos; expressed concerns relating to affordable housing for seniors.
Tom Gilberty; expressed concerns relating to noise pollution.
Male Speaker; expressed concerns relating to attorneys on politics.
Otto Duffy; expressed concerns relating to homelessness in San Francisco.
Dora Jones; expressed concerns relating to police brutally.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111168 [Accept and Expend Grant - Prevention Training Center Clinical Training Program - $96,121]

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of $96,121 from the University of California, San Francisco, to fund the Prevention Training Center Clinical Training Program for the period of April 1, 2012, through March 31, 2013.

ADOPTED

111114 [Committee of the Whole - Ground Lease Agreement - 25 Essex Street, Commonly Known as Rene Cazenave Apartments - November 8, 2011]

Sponsor: Kim

Motion scheduling the Board to sit as a Committee of the Whole on November 8, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 25 Essex Street, Assessor's Parcel No. 064-3749, commonly known as Rene Cazenave Apartments to 25 Essex, L.P., a California limited partnership, consistent with the provisions of the California Community Redevelopment Law Section 33433.

APPROVED

111175 [Final Map 4633: 1584 - 1598 Church Street]

Motion approving Final Map 4633, a Mixed-Use, Six Unit Residential and One Unit Commercial Condominium Project, located at 1584 - 1598 Church Street being a subdivision of Assessors Block No. 6601, Lot No. 006; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

APPROVED

111176 [Final Map 6374: 2020 Ellis Street]

Motion approving Final Map 6374, a 12 Unit Residential Condominium Project, located at 2020 Ellis Street being a subdivision of Assessors Block No. 1101, Lot No. 047; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

APPROVED

111177 [Final Map 6466: 574 Natoma Street]

Motion approving Final Map 6466, an 11 Unit Residential Condominium Project, located at 574 Natoma Street being a subdivision of Assessors Block No. 3726, Lot No. 075; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111135 [Settlement of Lawsuit - Diane Bauer - $35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Diane Bauer against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111136 [Settlement of Lawsuit - David Cheung - $80,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually and dba Kwok Shing Hong against the City and County of San Francisco for $80,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111137 [Settlement of Lawsuit - Elaine Choy - $28,850]

Ordinance authorizing settlement of the portion of the lawsuit filed by Elaine Choy against the City and County of San Francisco for $28,850; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111138 [Settlement of Lawsuit - Shonna Cook - $27,785]

Ordinance authorizing settlement of the portion of the lawsuit filed by Shonna Cook against the City and County of San Francisco for $27,785; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111139 [Settlement of Lawsuit - James Cordova/Maria Morales - $26,965]
Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $26,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111140 [Settlement of Lawsuit - Brenda Dickson - $28,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Brenda Dickson against the City and County of San Francisco for $28,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111141 [Settlement of Lawsuit - Susan Garduno - $25,730]
Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for $25,730; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111142 [Settlement of Lawsuit - KLW, LLC - $110,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for $110,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111143 [Settlement of Lawsuit - Lawrence LaBianca - $34,965]
Ordinance authorizing settlement of the portion of the lawsuit filed by Lawrence LaBianca against the City and County of San Francisco for $34,965; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111144 [Settlement of Lawsuit - Jane Martin and David Baker - $50,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $50,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111145 [Settlement of Lawsuit - Pat Moore/Tom Moore - $30,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for $30,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111146 [Settlement of Lawsuit - James Ramsey/Patricia Carazo Ramsey - $33,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Ramsey/Patricia Carazo Ramsey against the City and County of San Francisco for $33,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111147 [Settlement of Lawsuit - Sally Seid - $27,815]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for $27,815; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111148 [Settlement of Lawsuit - Angela Sinicropi/Martin Takigawa - $26,820]

Ordinance authorizing settlement of the portion of the lawsuit filed by Angela Sinicropi/Martin Takigawa against the City and County of San Francisco for $26,820; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111149 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - $60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for $60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111151 [Public Improvements Acceptance - Bayshore Boulevard at Waterloo Street]

Ordinance accepting an irrevocable offer for improvements and real property related to the widening of Bayshore Boulevard at Waterloo Street and accepting a grant deed for these purposes; declaring such area to be open public right-of-way and dedicating it for right-of-way and roadway purposes; accepting maintenance and liability for this area subject to certain limitations; establishing sidewalk width change for this area; making findings, including environmental findings and general plan and priority policy findings; and authorizing official acts in connection with this Ordinance. (Public Works Department)

10/18/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

111154 [Agreement - Tracking Environmental Attributes]

Ordinance approving a contract between the City and County of San Francisco and the Western Renewable Energy Generation Information System (WREGIS) for documenting and tracking environmental attributes at an estimated initial cost of $4,500 per year, depending on account activity; waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, waiving the requirement of Section 21.9(b) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision, waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, waiving the requirement of Section 12F.5 of the San Francisco Administrative Code that every contract contain a statement urging companies abide by the MacBride Principles, and waiving the requirement of Section 12O.2 of the San Francisco Administrative Code that every contractor provide EIC forms to eligible employees; and authorizing the San Francisco Public Utilities Commission to enter other similar contracts for tracking environmental attributes. (Public Utilities Commission)

10/24/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

111150 [Settlement of Claim - James Christian - $200,000]

Resolution approving the settlement of the unlitigated claim filed by James Christian against the City and County of San Francisco for $200,000; claim was filed on May 31, 2011. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Rules Committee.

111152 [Airport Lease and Use Agreement - Swiss International Air Lines, Limited]
Resolution approving the terms of 2011 Airline/Airport Lease and Use Agreement L11-0182 between the City and County of San Francisco and Swiss International Air Lines, Limited, to conduct international flight operations at San Francisco International Airport. (Airport Commission)

10/21/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111153 [Contract Extension - Voting System - Not to Exceed $4,529,600]
Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Dominion Voting Systems for an amount not to exceed $4,529,600 and to extend the term of the contract through December 11, 2013 [or December 11, 2016]. (Elections Department)

10/24/11; RECEIVED FROM DEPARTMENT.

11/01/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:20 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV 14 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 8, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

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ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

The Mayoral Appearance at the Board of Supervisors is rescheduled to November 15, 2011.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

111000 [Administrative Code - Certificates of Participation and Commercial Paper Debt Policies]

Sponsors: Mayor; Farrell, Chiu and Chu

Ordinance amending the San Francisco Administrative Code by adding Section 10.62 to adopt a binding financial policy under Charter Section 9.120 regarding certificates of participation and commercial paper. (Controller)

FINALLY PASSED

111001 [Administrative Code - Budget Procedures and Reporting Requirements]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Sections 3.3, 3.4, 3.5, 3.6, 3.20, 22A.6, 88.4, and by repealing Sections 88.8, and 88.10 to: 1) update budget procedures to accommodate two-year budget cycles and five-year financial planning requirements; and 2) eliminate outdated and duplicative reporting requirements. (Controller)

FINALLY PASSED

111084 [Appropriating $1,843,125 of Children's Fund Contingency in the Department of Children, Youth, and their Families to Fund Subsidized Child Care for Low Income Families - FY2011-2012]

Sponsors: Mayor; Mar

Ordinance appropriating $1,843,125 of Children's Fund Designated Contingency to the Department of Children, Youth, and their Families to allow California Department of Education Title Five Contractors to provide subsidized child care funding for low income families in order to mitigate State cuts in FY2011-2012.
(Fiscal Impact)

FINALLY PASSED

111085 [Memorandum of Understanding, Amendment No. 4 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending its term to June 30, 2015, and implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

110590 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code Sections 181(d) and 188(b) to: 1) provide a process for the reconstruction of buildings damaged or destroyed by fire or acts of God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings, including environmental findings and Planning Code Section 302 findings.

FINALLY PASSED

110767 [Planning Code - Alcoholic Beverages in the Mission Alcoholic Beverage Special Use Subdistrict]

Sponsors: Kim; Wiener and Mar

Ordinance amending the San Francisco Planning Code Section 249.60 to: 1) permit bowling alleys and single screen theatres in the Mission Alcoholic Beverage Special Use Subdistrict to serve alcoholic beverages; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

110984 [Transportation Code - Residential Parking Permit Application Penalties]

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading, or fraudulent information on a residential parking permit application. (Municipal Transportation Agency)

FINALLY PASSED

Recommendation of the Public Safety Committee

110967 [Police Code - Regulating Public Nudity in Restaurants and Public Seating Areas]

Sponsor: Wiener

Ordinance amending the San Francisco Police Code Section 1071.1 to: 1) prohibit public nudity in restaurants; and 2) prohibit sitting on public benches or public seating areas without clothing or some other separate material between the person's genitals, buttocks, or anal region and the seating surface.

FINALLY PASSED

Recommendations of the Rules Committee

111024 [Settlement of Lawsuit - Norman T. Larson, et al. - $122,500]

Ordinance approving settlement of the lawsuit filed by Norman T. Larson, San Francisco Apartment Association, San Francisco Association of Realtors, Coalition For Better Housing, Round Hill Pacific, and John Zanghi (collectively "Larson Petitioners") against the City and County of San Francisco by payment by the City and County of San Francisco to the Larson Petitioners' counsel Nielsen, Merksamer, Parrinello, Gross, and Leoni, LLP, in the amount of $122,500 and other terms; the lawsuit was filed on December 10, 2008, in the San Francisco Superior Court, Case No. 509-083, entitled Larson et al. vs. City and County of San Francisco. (City Attorney)

FINALLY PASSED

111025 [Settlement of Lawsuit - City to Pay $500 for Sub-Surface Easement in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100. (City Attorney)

FINALLY PASSED

111099 [Settlement of Lawsuit - Damian Fleming - $70,000]

Ordinance authorizing settlement of the lawsuit filed by Damian Fleming against the City and County of San Francisco for $70,000; the lawsuit was filed on July 14, 2010, in San Francisco Superior Court, Case No. CGC 10-501543, entitled Fleming v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

111169 [Adopting Findings Reversing the General Rule Exclusion Determination - 1171 Sansome Street]

Motion adopting findings reversing the Planning Department's determination that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review through a general rule exclusion. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111031 [Appropriating $304,120,801 of Water System Improvement Program Project Funds - Finance Committee Reserve of $215,338,107 - Public Utilities Commission - FY2011-2012]

Sponsor: Chu

Ordinance de-appropriating $304,120,801 in existing Water System Improvement Program (WSIP) project budgets and re-appropriating the funds to the revised WSIP program budgets adopted by the San Francisco Public Utilities Commission, and placing $215,338,107, as well as future project savings, on Finance Committee reserve.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111103 [De-Appropriating $17,080,000 of 2008 Clean and Safe Neighborhood Parks Bond Proceeds from Various Voter-Approved Projects and Re-Appropriating to Other Voter-Approved Projects]

Sponsor: Mayor

Ordinance de-appropriating $17,080,000 of 2008 Clean and Safe Neighborhood Parks Bond proceeds, Series 2008A, which were appropriated upon sale of the second issuance to specific voter-approved projects and re-appropriating $17,080,000 to other, voter-approved projects.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111112 [Accept and Expend Grant - TransitionSF, Enhanced Job Training Demonstration - $5,724,203]

Sponsors: Mayor; Chu

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $5,724,203 from the Department of Labor for TransitionSF.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

111162 [Appropriating $3,448,827 of State Revenue Loss Reserves and Federal Revenues for Adult Day Health Centers at the Human Services Agency - FY2011-2012]

Sponsors: Mayor; Kim, Chiu and Mirkarimi

Ordinance appropriating $3,370,001 of State revenue loss reserves and $78,826 of Adult Protective Services federal match revenues to provide one-time bridge funding to Adult Day Health Centers, through the Human Services Agency, in order to mitigate state cuts in FY2011-2012. (Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

110818 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Central Subway Too Much Money For Too Little Benefit"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Central Subway Too Much Money for Too Little Benefit" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110929 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Whistling in the Dark: The San Francisco Whistleblower Program"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Whistling in the Dark: The San Francisco Whistleblower Program" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Privilege of the floor was granted to Sally Oerth (Redevelopment Agency) who presented information concerning the matter and responded to questions raised throughout the discussion.

111115 [Hearing - Ground Lease - Redevelopment Agency Land - 25 Essex Street, Commonly Known as Rene Cazenave Apartments]

Hearing of persons interested in or objecting to proposed Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 25 Essex Street, Assessor's Block No. 3749, Lot No. 064, southeast corner of Folsom and Essex Streets, commonly known as Rene Cazenave Apartments, in the Transbay Redevelopment Project Area, to 25 Essex L.P., a California limited partnership, for 75 years for the purpose of developing housing for very low-income formerly homeless residents.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

111116 [Ground Lease - Redevelopment Agency Land - 25 Essex Street, Commonly Known as Rene Cazenave Apartments]

Sponsor: Kim

Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 25 Essex Street, Assessor's Block No. 3749, Lot No. 064, southeast corner of Folsom and Essex Streets, commonly known as Rene Cazenave Apartments, in the Transbay Redevelopment Project Area, to 25 Essex L.P., a California limited partnership, for 75 years for the purpose of developing housing for very low-income formerly homeless residents.

Supervisor Kim, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to impeachment trial of the Mayor.
Vera Haile; expressed concerns relating to the Adult Day Health Care Center.
Charles C.; expressed various religious concerns.
Steve Chessin; expressed various concerns relating to the election.
Sara Chan; expressed appreciation for the Adult Day Health Care Center.
Matt Mandell; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.

Supervisor Elsbernd was noted absent at 2:35 p.m. and present at 2:43 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111194 [Accept and Expend Gift - Donor Database - $75,000]

Sponsor: Chu

Resolution authorizing the Recreation and Park Department to retroactively accept and expend an in-kind gift valued at $75,000 from the Salesforce.com Foundation to provide the department with a web-based donor database and 10 user licenses for a period of over five years (2011-2015).

ADOPTED

111195 [Accept and Expend Grant - Sudden Oak Death - $569]

Sponsor: Farrell

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $569 from the California Department of Food and Agriculture to fund the program entitled "Sudden Oak Death" for the period of July 1, 2011, through June 30, 2012.

ADOPTED

111197 [Accept and Expend Gift - Strawberry Hill Restoration Project - $15,500]

Sponsor: Mar

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift in-place, valued at $15,500 from the San Francisco Parks Trust to support the Strawberry Hill Restoration Project.

ADOPTED

111198 [Accept and Expend Gift - Golden Gate Park Tennis Courts Resurfacing - $45,680]

Sponsor: Mar

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift in-place, valued at $45,680 from the San Francisco Tennis Coalition for the resurfacing of two banks of courts (courts 6-17) at the Golden Gate Park Tennis Complex.

ADOPTED

111202 [Approval of a 90-Day Extension for Planning Commission Review of Washington-Broadway Special Use District 1; Waterfront Special Use Districts 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets (File No. 110547)]

Sponsor: Chiu

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 110547) amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

111204 [Approval of a 90-Day Extension for Planning Commission Review of Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts (File No. 110548)]

Sponsor: Chiu

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 110548) amending the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, 607.4, and amending various other Code sections to: 1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions from required parking under specified circumstances; 5) amend the restrictions on off-street parking rates and extend them to additional zoning districts; 6) revise sign, awning, canopy and marquee controls in specified zoning districts; 7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts; 8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts; 9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain exceptions from exposure and open space requirements for historic buildings; and 11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

111203 [Committee of the Whole - Public Hearing on the Disclosure Responsibilities of Public Officials Under Federal Securities Law]

Sponsor: Chiu

Motion that the Board of Supervisors convene as a Committee of the Whole on November 15, 2011, at 3:00 p.m., to hold a public hearing on the disclosure responsibilities of public officials under federal securities law.

APPROVED

111130 [Committee of the Whole - Ground Lease Agreement - 474 Natoma Street, Commonly Known as the Natoma Family Apartments - November 15, 2011]

Sponsor: Kim

Motion scheduling the Board to sit as a Committee of the Whole on November 15, 2011, at 3:00 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 474 Natoma Street, Assessor's Block No. 3725, Lot No. 101, commonly known as the Natoma Family Apartments to 474 Natoma, LLC, a California limited liability company, consistent with the provisions of the California Community Redevelopment Law Section 33433.

APPROVED

111187 [Final Map 5410: 1150 Ocean Avenue]

Motion approving Final Map 5410, a five parcel, Airspace Mixed Use Subdivision, including a 173 Residential Unit Condominium Project, located at 1150 Ocean Avenue being a subdivision of Assessors Block No. 3180, Lot No. 003; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

APPROVED

111188 [Final Map 5914: 1345 Turk Street]

Motion approving Final Map 5914, a 32 Unit Residential Condominium Project, located at 1345 Turk Street being a subdivision of Assessors Block No. 0756, Lot No. 017; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

111172 [Supporting Goals for Federal Funding - Community Development Block Grant and Emergency Solutions Grant Programs]

Resolution supporting FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Consolidated Plan goals. (Mayor)

10/25/11; RECEIVED FROM DEPARTMENT.

11/08/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111173 [Funding Application - CalHome Program - $1,500,000]

Resolution authorizing the Mayor's Office of Housing to: 1) submit an application to the California Department of Housing and Community Development for funding under the CalHome Program for $1,500,000; 2) execute a standard agreement, if selected, for such funding and any amendments thereto; and 3) submit any related documents necessary to participate in the CalHome Program. (Mayor)

10/31/11; RECEIVED FROM DEPARTMENT.

10/31/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:43 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV 21 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 15, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.

Supervisor Kim was noted present at 2:12 p.m.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

111199 [Formal Policy Discussions - November 15, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, and 9. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Recently, the Board of Supervisors held a hearing looking into the creation of a municipal bank at the urging of Supervisor Avalos and OccupySF leaders. San Francisco currently divides its nearly 200 bank accounts between three massive financial firms: Wells Fargo, Union Bank of California, and Bank of America. Many residents are saying that rather than sending our savings elsewhere, and depending entirely on the private sector, with its boom/bust cycles, the City needs to look to its own assets and strengths, and develop a strategy to reinvest locally. It is not a new idea, it was a demand of the 1975 SF Community Congress, and the Board of Supervisors commissioned a Legislative Analyst Report at the request of Supervisor Matt Gonzalez on this issue in 2001. A municipal bank could eventually invest millions in low-interest loans for alternative forms of development in San Francisco, prioritizing nontraditional business models. At a time when millions of individuals are taking their money out of large banks and putting them into local institutions, it seems necessary for the City to seriously consider this option as well. In addition, throughout most of the City, including all of San Francisco's Neighborhood Commercial Districts, formula retail stores and restaurants are considered conditional uses. This means they must be approved by the Planning Commission on a case-by-case basis. This gives residents more control over the development of their communities. However, the Planning Department is interpreting the Formula Retail law narrowly to exclude banks and other entities that aren't specifically listed in the formula retail law, despite the fact that formula retail is defined with reference to a catch-all category (Sales & Service, Retail), so all of these businesses, including banks, should be covered. Do you support subjecting formula retail banks to the same Conditional Use restrictions as other formula retail uses? And, do you support the creation of a municipal bank for our City? (Supervisor Mar, District 1)

2. This fall, I requested that the Budget and Legislative Analyst perform a review of the frequency and cost to the City of contract change orders for large construction and professional services contracts. The report found that half of the contracts had modifications, totaling almost $300 million, almost the size of the City's budget shortfall last year. The report also found that there is less public scrutiny of contracts in San Francisco than in other jurisdictions, and contract information is not kept in a uniform manner by Departments. What is your reaction to the findings in the Budget and Legislative Analyst report? Do you agree that we need to reform the way that we approve, monitor, and report contracts? (Supervisor Chiu, District 3)

3. One of the promises you made during your mayoral campaign was to focus on job training and job creation. According to information provided by the Mayor's Office of Economic and Workforce Development, San Francisco's Human Services Agency (HSA) had $25 million in federal stimulus funds available from May 2009 to September 2010 to use towards the Jobs Now job training and job placement programs. With these funds, HSA was able to provide job services to over 4,100 low-skilled and/or unemployed San Franciscans in less than a year and a half. City data also indicates that since federal stimulus funding ran out just over a year ago, HSA has been able to serve approximately only 550 San Franciscans in these programs annually -- a significant decrease. What level of funding for these programs do you propose in the upcoming budget to fulfill your campaign pledge of job training and creation? (Supervisor Mirkarimi, District 5)

4. The San Francisco Municipal Transportation Agency (SFMTA) work orders $60 million to other City departments for services, including services that may not have a direct connection to public transit such as the motorcycle fleet of the San Francisco Police Department. Would you commit today to reducing the amount of work orders by at least 20 percent by Fiscal Year 2012-2013 in order to increase Muni service for all riders? (Supervisor Campos, District 9)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

111031 [Appropriating $304,120,801 of Water System Improvement Program Project Funds - Finance Committee Reserve of $215,338,107 - Public Utilities Commission - FY2011-2012]

Sponsor: Chu

Ordinance de-appropriating $304,120,801 in existing Water System Improvement Program (WSIP) project budgets and re-appropriating the funds to the revised WSIP program budgets adopted by the San Francisco Public Utilities Commission, and placing $215,338,107, as well as future project savings, on Finance Committee reserve.
(Fiscal Impact)

FINALLY PASSED

111103 [De-Appropriating $17,080,000 of 2008 Clean and Safe Neighborhood Parks Bond Proceeds from Various Voter-Approved Projects and Re-Appropriating to Other Voter-Approved Projects]

Sponsor: Mayor

Ordinance de-appropriating $17,080,000 of 2008 Clean and Safe Neighborhood Parks Bond proceeds, Series 2008A, which were appropriated upon sale of the second issuance to specific voter-approved projects and re-appropriating $17,080,000 to other, voter-approved projects.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

111167 [Agreement - Eastern Neighborhoods Rental Incentive Option - 720 and 740 Illinois Street and 2121 Third Street]

Sponsor: Cohen

Resolution approving an agreement and authorizing the Director of Planning to execute the agreement on behalf of the City and County of San Francisco in order to implement the Eastern Neighborhoods Rental Incentive option under San Francisco Planning Code Section 419.5(b) for the residential development proposed at 720 and 740 Illinois Street and 2121 Third Street (Lot Nos. 002 & 006 in Assessor's Block No. 4045).

ADOPTED

Recommendations of the Rules Committee

111098 [Appointments, Veteran Affairs Commission - Dorothy Guy, and Jordan Towers]

Motion appointing Dorothy Guy, term ending January 31, 2013, and Jordan Towers, term ending January 31, 2014, to the Veteran Affairs Commission. (Clerk of the Board)
Jordan Towers, seat 10, succeeding James Guglielmoni, resigned, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2014.
Dorothy Guy, seat 12, new appointment, must be a woman veteran, for the unexpired portion of a four-year term ending January 31, 2013.

Motion No. M11-166

APPROVED

111180 [Appointment, Bicycle Advisory Committee - Marc Brandt]

Motion appointing Marc Brandt, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)
Marc Brandt, seat 3, succeeding himself, term expired, must be a nominee of District 3 Supervisor. The member shall serve a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Motion No. M11-167

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

110999 [Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller)
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

111162 [Appropriating $3,448,827 of State Revenue Loss Reserves and Federal Revenues for Adult Day Health Centers at the Human Services Agency - FY2011-2012]

Sponsors: Mayor; Kim, Chiu, Mirkarimi and Mar

Ordinance appropriating $3,370,001 of State revenue loss reserves and $78,826 of Adult Protective Services federal match revenues to provide one-time bridge funding to Adult Day Health Centers, through the Human Services Agency, in order to mitigate state cuts in FY2011-2012. (Fiscal Impact)

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Public Safety Committee

110993 [Police Code - Commercial Parking Permits]

Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111053 [Memorandum of Understanding - Regional Agreement - Federal Homeland Security Grant Funds]

Sponsors: Mayor; Chiu, Farrell and Mirkarimi

Resolution approving a Memorandum of Understanding (MOU) with the Cities of Oakland and San Jose and the Counties of Alameda, Contra Costa, Marin, Monterey, San Mateo, Santa Clara, and Sonoma that: 1) provides governance structures and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative (UASI) grant funds to the Bay Area Urban Area, as well as for other federal grant funds to the Bay Area Urban Area as permitted under the MOU; and 2) continues San Francisco as the primary grantee and fiscal agent for UASI grant funds to the Bay Area Urban Area, as well as for other federal grant funds to the Bay Area Urban Area as permitted under the MOU.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110904 [Administrative Code - References to the Bureaus of Architecture, Engineering, and Construction Management]

Ordinance amending the San Francisco Administrative Code Section 2A.190 to deem each reference to the "Bureau of Architecture," "Bureau of Engineering," and "Bureau of Construction Management" in the San Francisco Municipal Code to be a reference to the "Department of Public Works." (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

111200 [Public Hearing - Administrative Code - Health Care Security Ordinance]

Hearing of persons interested in or objecting to proposed amendment of the whole entitled, "Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Sections 14.1.5 and 14.1.6 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to health reimbursement account remain available to the employee for two years, rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date." (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Regina Dick-Endrizzi, Director, Small Business Commission, provided an overview and urged support for the proposed legislation. Jim Larson; Scott Howdy; Margarita; Adam Levine; Rob Black; Joel Goldmark; Steve Falk; Greg Yoo; spoke in support of the proposed legislation. Joel Weddington; Jennifer Pielotti; Male Speaker; Aiyoko; Walter Paulson; Julie Fisher; Connie Ford; Todd Leo; Kimbo Roy; Jose; Shacon; Tim Paulson; Elizabeth Alexander; spoke objecting to the proposed legislation. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

From the Board

111030 [Administrative Code - Health Care Security Ordinance]

Sponsors: Chiu; Cohen

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Sections 14.1.5 and 14.1.6 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years; rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

Supervisor Cohen, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years; rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

111131 [Public Hearing - Ground Lease - Redevelopment Agency Land - 474 Natoma Street]

Hearing of persons interested in or objecting to proposed Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 474 Natoma, Assessor's Block No. 3725, Lot No. 101, to 474 Natoma, LLC, a California limited liability company, an affiliate of BRIDGE Housing Corporation, a California nonprofit public benefit corporation, for 75 years, with an option to extend for 24 years, for the purpose of providing housing for very low-income households.

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Sally Oerth (Redevelopment Agency) provided an overview of the project. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

111132 [Ground Lease - Redevelopment Agency Land - 474 Natoma Street]

Sponsor: Kim

Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 474 Natoma, Assessor's Block No. 3725, Lot No. 101, to 474 Natoma, LLC, a California limited liability company, an affiliate of BRIDGE Housing Corporation, a California nonprofit public benefit corporation, for 75 years, with an option to extend for 24 years, for the purpose of providing housing for very low-income households.

Supervisor Kim, seconded by Supervisor Farrell, AMENDED on Page 2, Line 9, by adding 'WHEREAS, the Agency Commission approved the Ground Lease on April 9, 2011, and the Developer and the Agency executed the Ground Lease, prior to the June 28, 2011, date that AB x1 26 (the "Redevelopment Dissolution Act") became effective, and therefore the Agency is obligated to implement the Ground Lease as an "Enforceable Obligation" under California Health and Safety Code Section 34167(d)(5); and'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

111227 [Public Hearing - Federal Securities Law Disclosure Responsibilities]

Sponsor: Chiu

Hearing on the disclosure responsibilities of public officials under federal securities law.

The President inquired as to whether any member of the public wished to address the Board. Mark Blake (City Attorney's Office) and John McNally and Sean Tierney (consulting attorneys from Hawkins, Delafield and Wood) provided an overview of the responsibilities under federal securities law. There were no other speakers. The President declared the public hearing heard and closed.

HEARD AT PUBLIC HEARING

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Chef Mourad Lahlou of Aziza Restaurant in recognition of his accomplishments and continued community support.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Tim Hornbecker of The Arc of San Francisco in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

111125 [Public Hearing - Conditional Use Appeal - 3901 Mission Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's September 15, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2011.0664C, by its Motion No. 18442, under Planning Code Sections 711.83 and 303, to install a wireless telecommunications facility consisting of eight panel antennas and related equipment on an existing one-story commercial building as part of the AT&T wireless telecommunications network within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, on property located at 3901 Mission Street, Assessor's Block No. 5802, Lot No. 044. (District 9) (Appellant: Tom Cantrell, on behalf of the College Hill Neighborhood Association) (Filed October 17, 2011; Companion Measure to File Nos. 111126, 111127, 111128.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to December 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to December 13, 2011, at 3:00 p.m.

111126 [Approving Planning Commission Decision Related to Conditional Use Authorization - 3901 Mission Street]

Motion approving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111127 [Disapproving Planning Commission Decision Related to Conditional Use Authorization – 3901 Mission Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111128 [Preparation of Findings Related to the Conditional Use Authorization - 3901 Mission Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 13, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Michael Boldman; spoke expressing support for OccupySF.
Female Speaker; expressed concerns relating to sales and service retail permits.
Phillip Hackett; expressed support for a public project for poets.
David Cary; expressed various concerns relating to ranked choice voting.
Male Speaker; expressed various religious concerns.
Amy Weiss; spoke expressing support for OccupySF.
Ace Washington; expressed various concerns.
Nicholas; spoke regarding electoral debates.
Male Speaker; expressed various concerns.
Sean Simmons; spoke expressing support for OccupySF.
Scott Howdy; spoke regarding anniversary of health program.
Male Speaker; spoke regarding various forms of government.

Supervisor Farrell was noted absent at 2:48 p.m. and noted present at 2:57 p.m.
Supervisor Elsbernd was noted absent at 2:49 p.m. and noted present at 3:11 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111219 [Accept and Expend Gift - GearUp Fund - $50,000]

Sponsor: Chiu

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift in-place, valued at $50,000 from the San Francisco Parks Trust to support the GearUp Fund.

ADOPTED

111220 [Accept and Expend Grant - Oil Spill Response Planning - $10,000]

Sponsor: Cohen

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of $10,000 from the California Department of Fish and Game for oil spill response planning for the of period July 1, 2011, through June 30, 2012.

ADOPTED

111221 [Multi-Family Housing Revenue Bonds, Series 2008B-Geary Senior Housing]

Sponsor: Mar

Resolution approving the execution and delivery of a First Supplemental Indenture of Trust in connection with the financing of Geary Senior Housing, authorizing consent to extension of maturity date of related loan, and granting general authority to City officials to take actions necessary to implement this resolution, and related matters.

ADOPTED

111223 [Accept and Expend Gift - Recycling/Trash Containers for Golden Gate Park - $30,000]

Sponsor: Mar

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift in-place, valued at $30,000 from the San Francisco Parks Trust for 15 state-of-the-art recycling/trash containers for Golden Gate Park.

ADOPTED

111224 [Aziza Day - November 19, 2011]

Sponsor: Mar

Resolution honoring Chef Mourad Lahlou and proclaiming November 19, 2011, as "Aziza Day" in the City and County of San Francisco.

ADOPTED

111225 [Accept and Expend Grant - Lighting at Mission Playground Soccer Field - $25,000]

Sponsor: Wiener

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in-place, valued at $25,000 from the United States Soccer Foundation to support the purchase of new lighting fixtures for Mission Playground Soccer Field.

ADOPTED

111206 [Final Map 5165: Mission Bay]

Motion approving Final Map No. 5165, Mission Bay, a five lot subdivision of Assessor's Block No. 8727, Lot No. 5; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1; and the Mission Bay South Redevelopment Plan and Plan Documents.

Motion No. M11-169

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisors Elsbernd and Chu requested that File No. 111222 be severed so that it may be considered separately.

111222 [Opposing the Federal "Super Committee" Farm Bill Process]

Sponsor: Mar

Resolution urging our elected United States Senators and Representatives to oppose the inclusion of the Farm Bill in the "Super Committee" process and to support a full legislative process for the 2012 Farm Bill.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED to November 22, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111208 [Administrative Code - Public Guardian/Public Administrator Gift Fund]

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-190, to create a Public Guardian/Public Administrator Gift Fund to support the operations of the Public Guardian's Office, including needs assessment and conservatorship services for vulnerable persons who are unable to manage their basic personal or financial needs. (Human Services Department)

11/04/11; RECEIVED FROM DEPARTMENT.

11/15/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/15/2011.

111209 [Mission Bay South - Storm Water Pump Station No. 4 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcels 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance.

11/04/11; RECEIVED FROM DEPARTMENT.

11/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

111174 [Settlement of Unlitigated Claim - Janet O'Hara - $100,000]

Resolution approving the settlement of the unlitigated claim filed by Janet O'Hara against the City and County San Francisco for $100,000; claim was filed on March 11, 2011. (City Attorney)

11/03/11; RECEIVED FROM DEPARTMENT.

11/15/11; RECEIVED AND ASSIGNED to Rules Committee.

111182 [Prevailing Wages for Various Workers Under Contract at City Owned Facilities]

Resolution fixing prevailing wage rates for: 1) workers performing work under City contracts for public work and improvement; 2) workers performing work under City contracts for janitorial services; 3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) workers engaged in theatrical or technical services for shows on property owned by the City; 5) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City; and 6) workers performing moving services under City contracts at facilities owned or leased by the City.

11/04/11; RECEIVED FROM DEPARTMENT.

11/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111201 [Refuse Collection Agreement - Recology - Not to Exceed $29,337,527]

Resolution approving the Second Amendment to the Refuse Collection Agreement between the City and Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not to exceed amount of the agreement from $23,537,527 to 29,337,527, under Charter Section 9.118(b). (Office of Contract Administration)

11/04/11; RECEIVED FROM DEPARTMENT.

11/04/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:15 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 22, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV 28 2011

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

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ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of October 4, 2011, and October 18, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 8, 2011.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110999 [Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller) (Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

110927 [Liquor License - 3821-24th Street]
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to James Mead, for Noe Valley Wine Merchants, located at 3821-24th Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

110981 [Liquor License - 290-292 - 14th Street]
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Peter Acworth for The Armory Club, located at 290-292 - 14th Street (aka 1799 Mission Street) (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

110982 [Liquor License - 251 Rhode Island Street]
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Steve and Brooke Waterhouse for the Project One Gallery, located at 251 Rhode Island Street (District 10), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

111095 [Conveyance of Easement - Silicon Valley Power - Bay Division Pipeline Nos. 3 and 4 Crossovers Project - Santa Clara]
Resolution 1) approving and authorizing conveyance of a perpetual, nonexclusive easement to Silicon Valley Power, a division of the City of Santa Clara, at no charge, for the installation, construction, operation, inspection, maintenance, repair, and replacement of electrical facilities, including underground cable, a transformer and a meter in City's real property at the Guadalupe River site off Lick Mill Boulevard in the City of Santa Clara, to provide electrical power required for the Bay Division Pipeline Nos. 3 and 4 Crossovers Project No. CUW38001; 2) adopting findings under the California Environmental Quality Act; 3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 4) authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED

111113 [Accept and Expend Gift - Balboa Park Improvement Project - Valued Up to $2,500,000]

Sponsors: Mayor; Avalos

Resolution accepting and expending a gift valued up to $2,500,000 from The Trust for Public Land to the Recreation and Park Department for the Balboa Park Improvement Project.

ADOPTED

Recommendation of the Public Safety Committee

110993 [Police Code - Commercial Parking Permits]

Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

FINALLY PASSED

Recommendation of the Rules Committee

110904 [Administrative Code - References to the Bureaus of Architecture, Engineering, and Construction Management]

Ordinance amending the San Francisco Administrative Code Section 2A.190 to deem each reference to the "Bureau of Architecture," "Bureau of Engineering," and "Bureau of Construction Management" in the San Francisco Municipal Code to be a reference to the "Department of Public Works." (Public Works Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

111030 [Administrative Code - Health Care Security Ordinance]

Sponsors: Chiu; Cohen

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years; rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

See duplicated File No. 111267.

Supervisor Cohen, seconded by Supervisor Elsbernd, DUPLICATED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

111267 [Administrative Code - Health Care Security Ordinance]

Sponsors: Chiu; Cohen

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years; rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

See duplicated File No. 111030.

Supervisor Cohen, seconded by Supervisor Elsbernd, moved that this Ordinance be REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111094 [Memorandum of Understanding Amendment - Alameda County Resource Conservation District - Not to Exceed $775,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the first amendment to the Memorandum of Understanding with the Alameda County Resource Conservation District for an amount not to exceed $775,000 and with a total duration of 14 years, pursuant to Charter Section 9.118. (Public Utilities Commission)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111111 [California Constitution Appropriations Limit for FY2011-2012]
Sponsor: Chu

Resolution establishing the appropriations limit for FY2011-2012 pursuant to California Constitution Article XIII(B).

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111152 [Airport Lease and Use Agreement - Swiss International Air Lines, Limited]

Resolution approving the terms of 2011 Airline/Airport Lease and Use Agreement L11-0182 between the City and County of San Francisco and Swiss International Air Lines, Limited, to conduct international flight operations at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111153 [Contract Extension - Voting System - Not to Exceed $2,264,800]

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Dominion Voting Systems for an amount not to exceed $2,264,800 and to extend the term of the contract through December 10, 2013. (Elections Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111166 [Accept and Expend Grant - Health Impact Assessment for Healthy Sustainable Development - $167,061]

Sponsors: Campos; Mar

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Centers for Disease Control and Prevention, in the amount of $167,061, to fund the Health Impact Assessment for Healthy Sustainable Development for the period September 1, 2011, through August 31, 2012, and waiving indirect costs.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111172 [Supporting Goals for Federal Funding - FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Programs]

Resolution supporting FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Consolidated Plan goals. (Mayor's Office of Housing)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111173 [Funding Application - CalHome Program - $1,500,000]

Resolution authorizing the Mayor's Office of Housing to: 1) submit an application to the California Department of Housing and Community Development for funding under the CalHome Program for $1,500,000; 2) execute a standard agreement, if selected, for such funding and any amendments thereto; and 3) submit any related documents necessary to participate in the CalHome Program. (Mayor's Office of Housing)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111191 [Issuance of Qualified Energy Conservation Bonds - Not to Exceed $8,291,079]

Sponsor: Chu

Resolution approving the issuance of not to exceed $8,291,079 aggregate principal amount of Qualified Energy Conservation Bonds to be issued by the Public Utilities Commission of the City and County of San Francisco, acting on behalf of the City and County of San Francisco; approving the execution and delivery by the Commission of an Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, a Direct Purchase Agreement, and a Filing Agent Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111192 [Issuance of New Clean Renewable Energy Bonds - Not to Exceed $6,600,000]

Sponsor: Chu

Resolution approving the issuance of not to exceed $6,600,000 aggregate principal amount of New Clean Renewable Energy Bonds to be issued by the Public Utilities Commission of the City and County of San Francisco, acting on behalf of the City and County of San Francisco (Commission); approving the execution and delivery by the Commission of an Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, a Direct Purchase Agreement, and a Filing Agent Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the City Operations and Neighborhood Services Committee

101055 [Environment Code - Checkout Bags and Checkout Bag Charge]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, rising to 25 cents, if they provide a customer with a checkout bag; 3) setting an operative date of July 1, 2012; and 4) making environmental findings.
(Economic Impact)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED AS AMENDED to December 6, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

111075 [Campaign and Governmental Conduct Code - Televising Ethics Commission Meetings]

Sponsors: Campos; Chiu and Mar

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.301 to require the Ethics Commission to televise its meetings on San Francisco Government Television (SFGovTV).

Supervisor Mar requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110931 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Continuity Reports Reviewing the State of Prior Recommendations]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Continuity Reports Reviewing the State of Prior Recommendations. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

111076 [Allowing Playground Structures in Certain Portions of Sue Bierman Park]

Sponsors: Chiu; Mar

Ordinance amending the conditions previously placed on portions of Sue Bierman Park, authorizing the construction of playground structures, and making CEQA findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Chu, seconded by Supervisor Elsbernd, moved to suspend Rule 4.29 of the Rules of Order of the Board of Supervisors to take the 3:30 p.m. Special Commendation item out of order. The motion carried without objection.

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the students of ChangeSF from Lincoln High School in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

111183 [Public Hearing - Conditional Use Appeal - 2041 Larkin Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's September 22, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2010.1083C, by its Motion No. 18448, under Planning Code Section 209.6(b) to install a wireless telecommunications service facility consisting of up to six panel antennas and related equipment in an existing church as part of AT&T's Wireless Telecommunications Network within the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District, on property located at 2041 Larkin Street, Assessor's Block No. 0572, Lot No. 003. (District 3) (Appellant: Laura Albert on behalf of the Russian Hill Community Association) (Filed October 24, 2011) (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to December 6, 2011, at 4:00 p.m.

111184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street]

Motion approving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111186 [Preparation of Findings Related to the Conditional Use Authorization - 2041 Larkin Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

111230 [Public Hearing - Conditional Use Appeal - 199 Leland Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission's October 6, 2011, Conditional Use Authorization identified as Planning Case No. 2011.0294C, by its Motion No. 18458, under Planning Code Sections 711.83, 303, and 790.80 to install a Wireless Telecommunications Facility consisting of nine new panel antennas on the rooftop and six new equipment cabinets in the garage of an existing three-story mixed used building that is approximately 30 feet tall within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, on property located at 199 Leland Avenue, Assessor's Block No. 6251, Lot No. 016. (District 10) (Appellant: Winnie Tsang on behalf of the Visitacion Valley Business Improvement Group) (Filed November 4, 2011) (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Marlene Tran (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Elena Tang; Henry Choy; Inouye Lynn; Female Speaker; Female Speaker; Nokia Choy; Female Speaker; Eric Fey; Female Speaker; Cindy Chan; Elaine Quan; Female Speaker; Jenny; Jessie; Angelo King; Lisa Lew; Inouye Ho; Yan Le; Mike; Female Speaker; Lum Foo; Female Speaker; Female Speaker; Tony; Joe Chan; Yu Gong Lum; Winnie Tsang; Laura Albert; spoke in support of the appeal. AnMarie Rodgers and Brittany Bendix (Planning Department) provided an overview of the decision of the Planning Commission. Mark Blake and Bill Hammett (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Galvin; Gene Howl; Amir Santiago; spoke in support of the project and in opposition to the appeal. Marlene Tran (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

111231 [Approving Planning Commission Decision Related to Conditional Use Authorization - 199 Leland Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18458, approving Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M11-170

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 1 - Mar

111232 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 199 Leland Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18458, approving Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 1 - Mar

111233 [Preparation of Findings Related to the Conditional Use Authorization - 199 Leland Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue. (Clerk of the Board)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 1 - Mar

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

111215 [Lease Agreement - State of California - Rincon Hill Dog Park]

Sponsor: Kim

Resolution approving the execution of a Lease Agreement for a portion of Assessor Block No. 3766, Lot No. 011, by and between the City and County of San Francisco, and the State of California, acting by and through its Department of Transportation (Caltrans); and adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies; and authorizing other actions in furtherance of this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Female Speaker; expressed concerns relating to sales and service retail permits.
Douglas Yepp; expressed various concerns.
John Howard; expressed various concerns relating to ranked choice voting.
Tom Gilberty; expressed concerns relating to noise pollution.
David Cary; expressed various concerns relating to ranked choice voting.
Robin Crock; spoke expressing support for OccupySF.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111251 [Opposing the Sale of Certain Rat and Mouse Poisons]

Sponsor: Cohen

Resolution urging San Francisco residents to avoid purchasing or selling certain rat and mouse poison products that have been determined by the United States Environmental Protection Agency to pose unacceptable risks to children, pets, and wildlife.

ADOPTED

111252 [Supporting Expansion of Boundaries - Gulf of the Farallones and Cordell Bank National Marine Sanctuaries]

Sponsor: Mirkarimi

Resolution supporting House Resolution 192 and Senate Bill 179, which will expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.

ADOPTED

111253 [Accept and Expend Grant - San Francisco Arts Commission's WritersCorps Program - $70,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $70,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth Program for general operating support for WritersCorps, with a grant cycle of July 1, 2011, through June 30, 2012.

ADOPTED

111258 [California Clerk of the Board of Supervisors Association Week - November 28 to December 2, 2011]

Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

Resolution honoring the California Clerk of the Board of Supervisors Association and recognizing the vital services performed by the Clerks of the Boards of Supervisors and their staff and proclaiming the week of November 28 to December 2, 2011 as California Clerk of the Board of Supervisors Association Week in the City and County of San Francisco. (Clerk of the Board)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File Nos. 111222 and 111249 be severed so that it may be considered separately.

111222 [Opposing the Federal "Super Committee" Farm Bill Process]

Sponsor: Mar

Resolution urging our elected United States Senators and Representatives to oppose the inclusion of the Farm Bill in the "Super Committee" process and to support a full legislative process for the 2012 Farm Bill.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111249 [Employer Pickup - Pre-Tax Payroll Deduction Plan for Service Credit Purchases (Contribution Code 14)]

Sponsor: Elsbernd

Resolution authorizing the City and County of San Francisco to implement pre-tax payroll deduction plan for all employees in CalPERS, pursuant to the Internal Revenue Code §414(h)(2).

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111239 [Police Code - Vehicle Press Cards]

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards. (Municipal Transportation Agency)

11/14/11; RECEIVED FROM DEPARTMENT.

11/22/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 12/22/2011.

111240 [General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station Relocation and Housing Project)]

Ordinance amending the San Francisco General Plan Map 2 of the Community Facilities Element as part of the San Francisco Museum of Modern Art Expansion/Fire Station Relocation and Housing Project; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

11/14/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

111241 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

Resolution approving the 36th Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to increase the premises by adding Building 449 located at Avenue C and 4th Street. (Treasure Island Development Authority)

11/09/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111242 [Sublease Amendment - Swords to Plowshares, Inc. - 1441 and 1443 Chinook Court]

Resolution authorizing the execution of a Second Amendment to Sublease between the Treasure Island Development Authority and Swords to Plowshares, Inc., for premises located at 1441 and 1443 Chinook Court. (Treasure Island Development Authority)

11/09/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111243 [Sublease Amendment - Haight Ashbury Free Clinics, Walden House - 1440 Chinook Court]

Resolution authorizing the execution of a Third Amendment to Sublease and Consent to Assignment between the Treasure Island Development Authority and Haight Ashbury Free Clinics, Inc., dba Haight Ashbury Free Clinics - Walden House, for premises located at 1440 Chinook Court. (Treasure Island Development Authority)

11/09/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111244 [Settlement of Unlitigated Performance Bond Claim - Travelers Casualty and Surety Company of America - City to Receive $250,000]

Resolution authorizing settlement of an unlitigated performance bond claim by the San Francisco Airport Commission against Travelers Casualty and Surety Company of America relating to a lease default by Mexicana Airlines. (City Attorney)

11/10/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:49 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 6, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

DEC - 9 2011

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PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of October 25, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's notice of appointments to the Human Rights Commission, under Charter Section 3.100(18), appointments are effective unless rejected within 30 days by a 2/3rd vote of the Board.

CONSENT AGENDA

Recommendation of the Land Use and Economic Development Committee

111076 [Allowing Playground Structures in Certain Portions of Sue Bierman Park]

Sponsors: Chiu; Mar

Ordinance amending the conditions previously placed on portions of Sue Bierman Park, authorizing the construction of playground structures, and making CEQA findings.

FINALLY PASSED

Recommendations of the Rules Committee

111135 [Settlement of Lawsuit - Diane Bauer - $35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Diane Bauer against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111136 [Settlement of Lawsuit - David Cheung - $80,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for $80,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111137 [Settlement of Lawsuit - Elaine Choy - $28,850]

Ordinance authorizing settlement of the portion of the lawsuit filed by Elaine Choy against the City and County of San Francisco for $28,850; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111138 [Settlement of Lawsuit - Shonna Cook - $27,785]

Ordinance authorizing settlement of the portion of the lawsuit filed by Shonna Cook against the City and County of San Francisco for $27,785; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111139 [Settlement of Lawsuit - James Cordova/Maria Morales - $26,965]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $26,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111140 [Settlement of Lawsuit - Brenda Dickson - $28,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Brenda Dickson against the City and County of San Francisco for $28,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111141 [Settlement of Lawsuit - Susan Garduno - $25,730]

Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for $25,730; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111142 [Settlement of Lawsuit - KLW, LLC - $110,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for $110,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111143 [Settlement of Lawsuit - Lawrence LaBianca - $34,965]

Ordinance authorizing settlement of the portion of the lawsuit filed by Lawrence LaBianca against the City and County of San Francisco for $34,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111144 [Settlement of Lawsuit - Jane Martin and David Baker - $50,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $50,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111145 [Settlement of Lawsuit - Pat Moore and Tom Moore - $30,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore and Tom Moore against the City and County of San Francisco for $30,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111146 [Settlement of Lawsuit - James Ramsey and Patricia Carazo Ramsey - $33,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Ramsey and Patricia Carazo Ramsey against the City and County of San Francisco for $33,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111147 [Settlement of Lawsuit - Sally Seid - $27,815]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for $27,815; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111148 [Settlement of Lawsuit - Angela Sinicropi and Martin Takigawa - $26,820]

Ordinance authorizing settlement of the portion of the lawsuit filed by Angela Sinicropi and Martin Takigawa against the City and County of San Francisco for $26,820; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111149 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - $60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for $60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

111150 [Settlement of Claim - James Christian - $200,000]

Resolution approving the settlement of the unlitigated claim filed by James Christian against the City and County of San Francisco for $200,000; claim was filed on May 31, 2011. (City Attorney)

ADOPTED

111178 [Appointments, Medical Cannabis Task Force - Hunter Holliman, Leonard Watkins, Martin Olive, Sarah Shrader, Brent Saupe, and Jean Talleyrand]

Motion appointing Hunter Holliman, Leonard Watkins (residency requirement waived), Martin Olive, Sarah Shrader, Brent Saupe, and Jean Talleyrand, terms ending December 31, 2012, to the Medical Cannabis Task Force. (Clerk of the Board)

Motion No. M11-171

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

101055 [Environment Code - Checkout Bags and Checkout Bag Charge]
Sponsors: Mirkarimi; Avalos and Campos
Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, rising to 25 cents, if they provide a customer with a checkout bag; 3) setting an operative date of July 1, 2012; and 4) making environmental findings.
(Economic Impact)

Privlege of the floor was granted to Melanie Nutter, Director, Department of Environment, who provided an overview and responded to questions raised throughout the discussion.

Supervisor Mirkarimi, seconded by Supervisor Wiener, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, if they provide a customer with a checkout bag; 3) setting an operative date of October 1, 2012; and 4) making environmental findings.

Supervisor Kim, seconded by Supervisor Chu, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to February 7, 2012. The motion carried by the following vote:

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 4 - Avalos, Campos, Mar, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

111075 [Campaign and Governmental Conduct Code - Televising Ethics Commission Meetings]
Sponsors: Campos; Chiu and Mar
Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.301 to require the Ethics Commission to televise its meetings on San Francisco Government Television (SFGovTV).

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111096 [Contract Amendment - Western Area Power Administration - Electric Services - Not to Exceed $15,950,888]

Ordinance approving the second amendment to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power and scheduling coordinator services to Treasure Island and Yerba Buena Island; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of the San Francisco Administrative Code Section 21.19 which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of the San Francisco Administrative Code Section 21.35 which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission) (Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111101 [Administrative, Business and Tax Regulations, Fire, Health, and Police Codes - Business License Fees]

Sponsors: Chiu; Chu, Kim and Cohen

Ordinance amending various sections of the San Francisco Business and Tax Regulations Code, Administrative Code, Fire Code, Health Code, and Police Code to: 1) establish March 31 as the date for the annual renewal of certain business licenses; 2) apply a schedule of penalties for failure to timely renew certain business licenses; and 3) require Departments to post current business license fees on their websites. (Treasurer-Tax Collector)

Supervisors Kim and Cohen requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111102 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion for Compensation Paid to Individuals with a Felony Conviction]

Sponsors: Mirkarimi; Campos

Ordinance amending the San Francisco Business and Tax Regulations Code, Article 12-A, by adding Section 906.5 to establish a Payroll Expense Tax exclusion for compensation paid to individuals who have a felony conviction.
(Fiscal Impact)
(Supervisor Chu dissented in Committee.)

A motion was made by Supervisor Cohen, seconded by Supervisor Elsbernd, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion FAILED by the following vote:

Ayes: 4 - Chiu, Chu, Cohen, Wiener
Noes: 7 - Avalos, Campos, Elsbernd, Farrell, Kim, Mar, Mirkarimi

NOT PASSED ON FIRST READING by the following vote:

Ayes: 5 - Campos, Cohen, Kim, Mar, Mirkarimi
Noes: 6 - Avalos, Chiu, Chu, Elsbernd, Farrell, Wiener

111154 [Agreement - Tracking Environmental Attributes]

Ordinance approving a contract between the City and County of San Francisco and the Western Renewable Energy Generation Information System for: 1) documenting and tracking environmental attributes at an estimated initial cost of $4,500 per year, depending on account activity; 2) waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, waiving the requirement of Section 21.9(b) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision, waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, waiving the requirement of Section 12F.5 of the San Francisco Administrative Code that every contract contain a statement urging companies abide by the MacBride Principles, and waiving the requirement of Section 12O.2 of the San Francisco Administrative Code that every contractor provide EIC forms to eligible employees; and 3) authorizing the San Francisco Public Utilities Commission to enter other similar contracts for tracking environmental attributes. (Public Utilities Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111110 [Placing Funds for Defense of Special Circumstances Cases on Controller Reserve and Establishing Release Guidelines]

Sponsor: Campos

Resolution placing funds intended for defense of special circumstances cases on Controller reserve and adopting guidelines for release of such funds.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111193 [Real Property Lease - 6th Street Baldwin House, LLC - 72-6th Street]

Sponsors: Mayor; Kim

Resolution authorizing the lease with 6th Street Baldwin House, LLC, of approximately 1,932 rentable square feet of ground space located at 72-6th Street for the Police Department.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111218 [Apply for, Accept and Expend Grant - Community of Veterans Engaged in Restoration Program - $249,662]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept and expend $249,662 in funds from the Office of Justice Programs, through the Justice and Mental Health Collaboration Program, the Community of Veterans Engaged in Restoration Program will strive to increase public safety and reduce recidivism among incarcerated and recently released veterans with post-traumatic stress disorder in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

111151 [Public Improvements Acceptance - Bayshore Boulevard at Waterloo Street]

Ordinance: 1) accepting an irrevocable offer for improvements and real property related to the widening of Bayshore Boulevard at Waterloo Street and accepting a grant deed for these purposes; 2) declaring such area to be open public right-of-way and dedicating it for right-of-way and roadway purposes; 3) accepting maintenance and liability for this area subject to certain limitations; 4) establishing sidewalk width change for this area; 5) making findings, including environmental findings and general plan and priority policy findings; and 6) authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111080 [Zoning Map - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

Sponsor: Kim

Ordinance amending the San Francisco Planning Code Sectional Map ZN01 of the Zoning Maps to change the use classification of 676 Howard Street (Block No. 3722, Lot No. 28) from Public (P) to Downtown-Support District (C-3-S) and a portion of 935 Folsom Street (Block No. 3753, Lot No. 140) from Mixed Use-Residential (MUR) to Public (P) as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 10, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111213 [Summary Vacation - Hunt Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

Sponsor: Kim

Ordinance ordering the summary vacation of Hunt Street as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 10, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111240 [General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

Ordinance amending the San Francisco General Plan Map 2 of the Community Facilities Element as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 10, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111214 [Real Property Lease - San Francisco Community College District - Near the Intersection of Phelan and Ocean Avenues]

Sponsor: Elsbernd

Resolution approving the lease of property near the intersection of Phelan and Ocean Avenues for a public plaza for seventy-five years to San Francisco Community College District, an institution of higher education organized under the State of California Education Code; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

111050 [Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]

Sponsors: Wiener; Farrell, Cohen and Chiu

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

Supervisor Chiu requested to be added as a co-sponsor.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to January 10, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the winners of the Great Race in recognition of their accomplishments and continued community support.

The Board of Supervisors introduced, welcomed, and presented a Certificate of Honor to Eng Eng Chan, Senior Personnel Analyst, of the Office of the Clerk of the Board, in recognition of her 30 years of service to the City and County of San Francisco upon her retirement.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted absent at 4:36 p.m., and noted present at 4:52 p.m.
Supervisor Cohen was noted absent at 4:55 p.m., and noted present at 5:17 p.m.

111183 [Public Hearing - Conditional Use Appeal - 2041 Larkin Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's September 22, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2010.1083C, by its Motion No. 18448, under Planning Code Section 209.6(b) to install a wireless telecommunications service facility consisting of up to six panel antennas and related equipment in an existing church as part of AT&T's Wireless Telecommunications Network within the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District, on property located at 2041 Larkin Street, Assessor's Block No. 0572, Lot No. 003. (District 3) (Appellant: Laura Albert on behalf of the Russian Hill Community Association) (Filed October 24, 2011) (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Kathleen Courtney, Felix Litman, and Donald David (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Lily Lee; Martha Silvia Solotar; Male Speaker; Chris Mittelstaedt; Laura Albert; John Lamkin; Leslie de Taillandier; Grant Faulkner; Isaac Constantine; Marlene Tran; Male Speaker; Walter Paulson; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Jennifer Hayes, John di Bene, and Bill Hammett (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. Donald David (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

111184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street]

Motion approving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Farrell, TABLED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 3 - Avalos, Mar, Mirkarimi

111185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street; Approving Conditional Use With Additional Conditions]

Motion disapproving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 3 - Avalos, Mar, Mirkarimi

Motion disapproving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street subject to all of the conditions imposed by the Planning Commission by its Motion No. 18448, and further subject to additional conditions imposed by the Board of Supervisors on December 6, 2011. (Clerk of the Board)

Motion No. M11-172

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 3 - Avalos, Mar, Mirkarimi

111186 [Preparation of Findings Related to the Conditional Use Authorization - 2041 Larkin Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street.

Motion No. M11-173

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 3 - Avalos, Mar, Mirkarimi

SPECIAL ORDER 4:00 P.M.

111235 [Public Hearing - Tentative Parcel Map Appeal - 1138-1140 Page Street]
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 31, 2011, approving a Tentative Parcel Map for a 4-unit new construction condominium subdivision located at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011. (District 5) (Appellant: Fazilat Kazeminezhad on behalf of Page Group, LLC) (Filed November 10, 2011) (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Fazilat Kazeminezhad (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Walter Paulson; spoke in support of the appeal. Bruce Storrs (Department of Public Works) and AnMarie Rodgers (Planning Department) provided an overview of the decision of the Department of Public Works. John O'Connor (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Department of Public Works. Shawn Yeager; spoke in support of the project and in opposition to the appeal. Marie Maldonavan (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

111236 [Approving the Department of Public Works Decision and Approving the Tentative Parcel Map - 1138-1140 Page Street]
Motion finding the Tentative Parcel Map for a 4-unit new construction condominium subdivision located at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map. (Clerk of the Board)

Motion No. M11-174

Supervisor Elsbernd, seconded by Supervisor Kim, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111237 [Disapproving the Department of Public Works Decision and Disapproving the Tentative Parcel Map - 1138-1140 Page Street]
Motion finding the Tentative Parcel Map for a 4-unit new construction condominium subdivision at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Kim, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111238 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1138-1140 Page Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-unit new construction condominium conversion subdivision located at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Kim, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Referred from the Land Use and Economic Development Committee Without Recommendation

110966 [Park Code - Long Term Management Agreement with the National Park Service for Sharp Park]

Sponsor: Avalos

Ordinance amending the San Francisco Park Code Section 3.20 to: 1) require the Recreation and Park Department to offer long term management agreement to the National Park Service for certain property under the jurisdiction of the Recreation and Park Commission located in San Mateo County that is within the Golden Gate National Recreation Area's legislative boundary (Sharp Park); and 2) making environmental and other findings.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi, Wiener
Noes: 4 - Chu, Cohen, Elsbernd, Farrell

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 7, beginning on Line 5, by adding '(h) Nothing in this Ordinance precludes the General Manager from entering into negotiations with other third parties for the lease, contract or agreement for operation of the golf course, subject to the restriction on new leases set forth in subsection (b), above. Any such agreement shall be subject to the approval of the Board of Supervisors.'. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi, Wiener
Noes: 4 - Chu, Cohen, Elsbernd, Farrell

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Elsbernd was noted absent at 7:18 p.m., and noted present at 7:32 p.m.
Supervisor Farrell was noted absent at 7:18 p.m., and noted present at 7:32 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Barbara Tengeri; spoke regarding cultural dance.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to foreclosure evictions.
Maggie; expressed concerns relating to foreclosure evictions.
Tom Gilberty; expressed concerns relating to noise pollution.
Alex Samayoa; expressed concerns relating to foreclosure evictions.
Greg Ledbetter; spoke in support of medical cannabis.
Christie Hakim; expressed concerns relating to foreclosure evictions.
Michael Goldman; expressed concerns relating to foreclosure evictions and support for OccupySF.
John Scone; spoke in support of medical cannabis.
Shawna Goedner; spoke in support of medical cannabis.
Hewitt Crane; spoke in support of medical cannabis.
Marky Kranze; spoke in support of medical cannabis.
Staysha; spoke in support of medical cannabis.
Teresa Cooper; spoke in support of medical cannabis.
John Gallo; spoke in support of medical cannabis.
Female Speaker; spoke in support of medical cannabis.
Female Speaker; expressed concerns relating to Parkmerced.
David Cary; expressed various concerns relating to ranked choice voting.
Male Speaker; spoke in support of medical cannabis.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111259 [Declaration of the November 8, 2011, Election Results]

Sponsor: Chiu

Resolution declaring the results of the November 8, 2011, Consolidated General Election.

ADOPTED

111272 [Airport Concession Lease Correction - J. Avery Enterprises]

Sponsor: Chu

Resolution correcting Resolution No. 220-11, which approved Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises, dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission.

ADOPTED

111279 [Doris Blum Day - November 9, 2011]

Sponsor: Farrell

Resolution commending Doris Blum on her 100th Birthday and proclaiming November 9, 2011, as Doris Blum Day in the City and County of San Francisco.

ADOPTED

111280 [Accept and Expend Grant - Pest Exclusion/Nursery Inspection - $500]

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant (Agreement #11-0220-SA) in the amount of $500, from the California Department of Food and Agriculture to fund the program Pest Exclusion/Nursery Inspection for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

ADOPTED

111283 [Expressing Concern Over Federal Cuts to Medicaid and Medicare Programs]

Sponsor: Cohen

Resolution expressing concern over proposed Federal cuts to Medicaid and Medicare programs that will result in impacts to healthcare access for residents of the City and County of San Francisco.

ADOPTED

111292 [Accept and Expend Grant - Organic Program - $3,100]

Sponsor: Mar

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant (Agreement #11-0113-SA) from the California Department of Food and Agriculture in the amount of $3,100 to fund the Organic Program for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 111268 be severed so that it may be considered separately.

111268 [Recommending a Multi-Language Multiple-Offender Driving Under the Influence Program]

Sponsors: Mar; Elsbernd

Resolution recommending the National Council on Alcoholism and Other Drug Addictions be licensed to offer a Russian language multiple-offender driving under the influence program in the City and County of San Francisco.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution recommending the National Council on Alcoholism and Other Drug Addictions be licensed to offer a multiple-offender driving under the influence program in languages other than Spanish in the City and County of San Francisco.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111285 [Changing the Official Sidewalk Width - Portion of Mason Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width of Mason Street starting at the southwest corner of the intersection of Mason Street and Washington Street and continuing south 29.52 feet; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

11/17/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

111286 [Settlement of Lawsuit - Patricia Sancinito - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Sancinito against the City and County of San Francisco and Laguna Honda Hospital for $75,000; the lawsuit was filed on May 19, 2011, in San Francisco Superior Court, Case No. CGC-11-511076; entitled Patricia Sancinito v. City and County of San Francisco, Laguna Honda Hospital. (City Attorney)

11/22/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Rules Committee.

111287 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - $14,950,000]

Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions.), Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of $14,950,000 from the City to MEOC. (City Attorney)

11/22/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Rules Committee.

111288 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause for the Design of a Runway Safety Area Engineered Material Arresting System]

Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system. (Airport Commission)

11/22/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

111289 [Airport Concession Lease Amendment - Boarding Area F Principal Retail - Pacific Gateway Concessions, LLC]

Resolution approving Amendment No. 1 to Boarding Area "F" Principal Retail Concession Lease No. 04-0139 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/21/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111290 [Airport Lease Modification - United Air Lines, Inc.]

Resolution approving and authorizing the execution of Modification No. 1 of Lease L00-0464 at Plot 6 with United Air Lines, Inc., at San Francisco International Airport to: 1) extend the Term; 2) reduce the demised premises; 3) modify the annual rent; 4) provide for a deferred City improvements payment to City; and 5) provide for certain terms of retroactivity relating to the rent and the deferred City improvements payment. (Airport Commission)

11/21/11; RECEIVED FROM DEPARTMENT.

12/06/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:42 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 13, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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SAN FRANCISCO PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

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ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of November 1, 2011, and November 8, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

111314 [Formal Policy Discussions - December 13, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 2, 4, 6, 8, and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. The current payroll tax system is detrimental to job growth and is broken. As we have seen over the course of this year at the Board of Supervisors, several attempts have been made to carve out certain classes of people, industries, and sections of the City from the payroll tax. Instead of an ad hoc system of fixes, are you contemplating a more systematic reform of the business tax? (Supervisor Farrell, District 2)

2. As your office works on putting together the budget for the upcoming fiscal year, what can we expect in terms of budget allocations for improving the employment climate in San Francisco? Specifically, what are three concrete policy ideas you have for stimulating job growth? (Supervisor Chu, District 4)

3. The most recent data shows that families with children in San Francisco become homeless at an alarming rate. The wait list for emergency family shelters currently includes 267 families, a historic level, and a 356% increase since the summer of 2007. The data on children in the San Francisco Unified School District that choose to self identify as homeless has also reached alarming levels, 2,200 children up from 1,600 in 2009. What are your office's plan to address this crisis? Would you commit to expanding the City's Rental Subsidy Program for homeless families by 50 slots? Would you commit to keep the emergency winter shelter at Bethel African Methodist Episcopal open and allow families to stay at the Oshun drop in center until this crisis is addressed? (Supervisor Kim, District 6)

4. The Municipal Transportation Agency (MTA) Board of Directors recently approved an $8,000,000 payment to MUNI drivers from the health care trust fund. The voters specifically abolished this trust fund when they passed Proposition G in November 2010. Although the MTA Board of Directors approved this payment to settle a lawsuit by the Transit Workers Union, the payment is contrary to the spirit and goals of Proposition G and reduces money available for transit service for riders. What do you think about this payment, and what do you think about the implementation of Proposition G generally? (Supervisor Wiener, District 8)

5. The N Judah Express Line has been in service for a number of months and has been very successful in addressing issues of overcrowding and poor on time performance. Municipal Transportation Agency is now proposing to make this express line permanent. The T Third Line continues to have problems with poor on time performance, switch backs, and long wait times on the Embarcadero. Would you be supportive of piloting a T Express Line? (Supervisor Cohen, District 10)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

111096 [Contract Amendment - Western Area Power Administration - Electric Services - Not to Exceed $15,950,888]

Ordinance approving the second amendment to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power and scheduling coordinator services to Treasure Island and Yerba Buena Island; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of the San Francisco Administrative Code Section 21.19 which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of the San Francisco Administrative Code Section 21.35 which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission) (Fiscal Impact)

FINALLY PASSED

111101 [Administrative, Business and Tax Regulations, Fire, Health, and Police Codes - Business License Fees]

Sponsors: Chiu; Chu, Kim and Cohen

Ordinance amending various sections of the San Francisco Business and Tax Regulations Code, Administrative Code, Fire Code, Health Code, and Police Code to: 1) establish March 31 as the date for the annual renewal of certain business licenses; 2) apply a schedule of penalties for failure to timely renew certain business licenses; and 3) require Departments to post current business license fees on their websites. (Treasurer-Tax Collector)

FINALLY PASSED

111154 [Agreement - Tracking Environmental Attributes]

Ordinance approving a contract between the City and County of San Francisco and the Western Renewable Energy Generation Information System for: 1) documenting and tracking environmental attributes at an estimated initial cost of $4,500 per year, depending on account activity; 2) waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, waiving the requirement of Section 21.9(b) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision, waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, waiving the requirement of Section 12F.5 of the San Francisco Administrative Code that every contract contain a statement urging companies abide by the MacBride Principles, and waiving the requirement of Section 12O.2 of the San Francisco Administrative Code that every contractor provide EIC forms to eligible employees; and 3) authorizing the San Francisco Public Utilities Commission to enter other similar contracts for tracking environmental attributes. (Public Utilities Commission)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

111074 [Liquor License - 691 Market Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Brian Sheehy for Edition San Francisco, located at 691 Market Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

111133 [Liquor License - 1541 Grant Avenue]

Resolution determining that the issuance of a Type 20 off-sale beer and wine license to Jay Esopenko for Little Vine, located at 1541 Grant Avenue (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

111151 [Public Improvements Acceptance - Bayshore Boulevard at Waterloo Street]

Ordinance: 1) accepting an irrevocable offer for improvements and real property related to the widening of Bayshore Boulevard at Waterloo Street and accepting a grant deed for these purposes; 2) declaring such area to be open public right-of-way and dedicating it for right-of-way and roadway purposes; 3) accepting maintenance and liability for this area subject to certain limitations; 4) establishing sidewalk width change for this area; 5) making findings, including environmental findings and general plan and priority policy findings; and 6) authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

Recommendation of the Public Safety Committee

111216 [Accept and Expend Grant - Intellectual Property Crime Enforcement Program - $198,676]

Sponsor: Mirkarimi

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $198,676 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Intellectual Property Crime Enforcement Program" for the grant period of October 1, 2011, through September 30, 2012.

ADOPTED

Recommendations of the Rules Committee

111135 [Settlement of Lawsuit - Diane Bauer - $35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Diane Bauer against the City and County of San Francisco for $35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111136 [Settlement of Lawsuit - David Cheung - $80,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for $80,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111137 [Settlement of Lawsuit - Elaine Choy - $28,850]

Ordinance authorizing settlement of the portion of the lawsuit filed by Elaine Choy against the City and County of San Francisco for $28,850; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111138 [Settlement of Lawsuit - Shonna Cook - $27,785]

Ordinance authorizing settlement of the portion of the lawsuit filed by Shonna Cook against the City and County of San Francisco for $27,785; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111139 [Settlement of Lawsuit - James Cordova/Maria Morales - $26,965]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for $26,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111140 [Settlement of Lawsuit - Brenda Dickson - $28,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Brenda Dickson against the City and County of San Francisco for $28,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111141 [Settlement of Lawsuit - Susan Garduno - $25,730]
Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for $25,730; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111142 [Settlement of Lawsuit - KLW, LLC - $110,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for $110,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111143 [Settlement of Lawsuit - Lawrence LaBianca - $34,965]
Ordinance authorizing settlement of the portion of the lawsuit filed by Lawrence LaBianca against the City and County of San Francisco for $34,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111144 [Settlement of Lawsuit - Jane Martin and David Baker - $50,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $50,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111145 [Settlement of Lawsuit - Pat Moore and Tom Moore - $30,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore and Tom Moore against the City and County of San Francisco for $30,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111146 [Settlement of Lawsuit - James Ramsey and Patricia Carazo Ramsey - $33,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by James Ramsey and Patricia Carazo Ramsey against the City and County of San Francisco for $33,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111147 [Settlement of Lawsuit - Sally Seid - $27,815]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for $27,815; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111148 [Settlement of Lawsuit - Angela Sinicropi and Martin Takigawa - $26,820]

Ordinance authorizing settlement of the portion of the lawsuit filed by Angela Sinicropi and Martin Takigawa against the City and County of San Francisco for $26,820; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

111149 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - $60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for $60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

110966 [Park Code - Long Term Management Agreement with the National Park Service for Sharp Park]

Sponsor: Avalos

Ordinance amending the San Francisco Park Code Section 3.20 to: 1) require the Recreation and Park Department to offer long term management agreement to the National Park Service for certain property under the jurisdiction of the Recreation and Park Commission located in San Mateo County that is within the Golden Gate National Recreation Area's legislative boundary (Sharp Park); and 2) making environmental and other findings.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi

Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111246 [Administrative Code - Health Service System Contracting Authority; Employee Benefit Cafeteria Plan]

Sponsor: Chu

Ordinance amending the San Francisco Administrative Code Sections 16.900 through 16.905 and 21.02 to update provisions regarding: 1) the San Francisco Health Service System's contracting authority; and 2) the City's Employee Benefit Cafeteria Plan.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111282 [Accept and Expend Grant - Reentry SF Program and Amendment to the Annual Salary Ordinance - $747,818]

Sponsor: Mayor

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $747,818 from the United States Department of Justice to implement Reentry SF Program, a comprehensive reentry pathway for people on post-release community supervision in San Francisco, and amending Ordinance No. 0146-11 (Annual Salary Ordinance, FY2011-2012) to reflect addition of one (1) Class 1823 Senior Administrative Analyst grant-funded position (0.50 FTE) in the Adult Probation Department.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111182 [Prevailing Wages for Various Workers Under Contract at City Owned Facilities]

Resolution fixing prevailing wage rates for: 1) workers performing work under City contracts for public work and improvement; 2) workers performing work under City contracts for janitorial services; 3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) workers engaged in theatrical or technical services for shows on property owned by the City; 5) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City; and 6) workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd, seconded by Supervisor Cohen, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111273 [Accept and Expend Grant - FY2009 Buffer Zone Protection Program - $199,820]

Sponsor: Elsbernd

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2009 Buffer Zone Protection Program grant in the amount of $199,820 from the U.S. Department of Homeland Security, through the California Emergency Management Agency, to fund critical infrastructure protection needs.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111276 [Multifamily Housing Revenue Bonds, Series 2011C - Natoma Family Apartments - Not to Exceed $18,000,000]

Sponsor: Kim

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed $18,000,000 for the purpose of providing financing for the acquisition and construction of a 60-unit multifamily rental housing project known as Natoma Family Apartments; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

111201 [Agreement Amendment - Recology - Refuse Collection - Not to Exceed $27,621,479]

Resolution approving the Second Amendment to the Refuse Collection Agreement between the City and County of San Francisco and Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not to exceed amount of the agreement from $23,537,527 to $29,337,527 under Charter Section 9.118(b). (Office of Contract Administration) (Fiscal Impact)

Privilege of floor was granted to Harvey Rose, Budget and Legislative Analyst, who provided an overview of his report on the matter.

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution approving the Second Amendment to the Refuse Collection Agreement between the City and County of San Francisco and Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not to exceed amount of the agreement from $23,537,527 to $27,621,479 under Charter Section 9.118(b). (Office of Contract Administration)

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Campos

Recommendations of the City Operations and Neighborhood Services Committee

110994 [Transportation Code - Clipper Card Regulations]

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, by adding Section 7.2.104 to regulate the use of Clipper Cards on transit vehicles or in proof of payment zones. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110789 [Liquor License Transfer - 3950-24th Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 6333 Geary Boulevard to 3950-24th Street (District 8) to Roberta L. Lang for Whole Foods Market, California, Inc., dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)
(Supervisor Mar dissented in Committee.)

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111109 [Urging the United States Government to Reduce the Military Budget]

Sponsors: Avalos; Mar

Resolution urging the United States Government to reduce the military budget, end the wars in Iraq and Afghanistan, and redirect the savings for domestic needs.
(Supervisor Elsbernd dissented in Committee.)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

Recommendations of the Land Use and Economic Development Committee

110845 [Zoning Map - Rezoning - 312 Connecticut Street]

Sponsor: Cohen

Ordinance amending the San Francisco Zoning Map Sheet No. ZN08 to: 1) rezone Assessor's Block No. 4035, Lot No. 003 (312 Connecticut Street) from RH-2 to NC-2; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111105 [Interdepartmental Jurisdictional Transfer of Property - 341 Corbett Avenue]

Sponsor: Wiener

Ordinance transferring jurisdiction of certain unimproved real property located at 341 Corbett Avenue (Assessor's Block No. 2659, Lot No. 059) between 19th Street and Danvers Street from the Mayor's Office of Housing to the Department of Public Works.

Privilege of the floor was granted to Joan McNamara and Teresa Yanga (Mayor's Office of Housing) and John Updike, Acting Director, Real Estate, who provided an overview of the transfer and responded to questions raised throughout the discussion.

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING to January 10, 2012. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi
Noes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

111209 [Mission Bay South - Storm Water Pump Station No. 4 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

111269 [Supporting Policy Restricting Use of Local Funds to Respond to Civil Immigration Detainers]

Sponsors: Mar; Chiu, Campos, Kim and Avalos

Resolution supporting adoption by the San Francisco Sheriff's Department and the San Francisco Juvenile Probation Department of a policy restricting use of local funds to respond to civil immigration detainers.

Supervisors Campos, Kim, and Avalos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110738 [Public Hearing - Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for seven years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to Fillmore Community Benefit District. Lisa Pagan (Mayor's Office of Economic and Workforce Development) provided an overview of the assessment district. Male Speaker; Walter Paulson; spoke in support of the assessment district. Ray Hartz; Ace Washington; Harris Elderly; Daniel Landry; spoke in opposition to the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

110739 [Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]

Sponsor: Mirkarimi

Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for seven years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Fillmore Community Benefit District was 33.83%, and the returned weighted ballots voting against the Fillmore Community Benefit District was 66.17%, further indicating there was a majority protest.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

111125 [Public Hearing - Conditional Use Appeal - 3901 Mission Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's September 15, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2011.0664C, by its Motion No. 18442, under Planning Code Sections 711.83 and 303, to install a wireless telecommunications facility consisting of eight panel antennas and related equipment on an existing one-story commercial building as part of the AT&T wireless telecommunications network within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, on property located at 3901 Mission Street, Assessor's Block No. 5802, Lot No. 044. (District 9) (Appellant: Tom Cantrell, on behalf of the College Hill Neighborhood Association) (Filed October 17, 2011; Companion Measure to File Nos. 111126, 111127, 111128.)

The President inquired as to whether any member of the public wished to address the Board. Olga Milan-Howells, Susan Panoplos, and Teresa Mesa-Casey (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Graciela; Sara Richmond; Male Speaker; Julium Mitchell; Penny Mitchell; Ian Wang; Kevin; Coleen Fernold; Susie; Anita Haley; Ray Hartz; Walter Paulson; spoke in support of the appeal. AnMarie Rodgers (Planning Department) and Patrick Fosdahl (Department of Public Health) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Mark Blakeman and Bill Hammett (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. Olga Milan-Howells and Susan Panoplos (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

111126 [Approving Planning Commission Decision Related to Conditional Use Authorization - 3901 Mission Street]

Motion approving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion
carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi, Wiener
Noes: 4 - Chu, Cohen, Elsbernd, Farrell

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111127 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 3901 Mission Street, Approving Conditional Use With Additional Conditions]

Motion disapproving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

Supervisor Campos, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion FAILED by the following vote:
Ayes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi, Wiener
Noes: 4 - Chu, Cohen, Elsbernd, Farrell

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion disapproving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street subject to all of the conditions imposed by the Planning Commission by its Motion No. 18448, and further subject to additional conditions imposed by the Board of Supervisors on December 13, 2011. (Clerk of the Board)

Motion No. M11-175

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111128 [Preparation of Findings Related to the Conditional Use Authorization - 3901 Mission Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi, Wiener
Noes: 4 - Chu, Cohen, Elsbernd, Farrell

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion No. M11-176

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Recommendation of the City Operations and Neighborhood Services Committee

111270 [Committee of the Whole - Hearing on the Status of Negotiations Between the Mayor's Office and California Pacific Medical Center - December 13, 2011]

Sponsor: Mar

Motion scheduling the Board to sit as a Committee of the Whole on December 13, 2011, at 3:00 p.m., to hold a public hearing on the status of negotiations between the Mayor's Office and California Pacific Medical Center (CPMC) regarding CPMC's Long Range Development Plan.

Motion No. M11-177

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Board of Supervisors Sitting as a Committee of the Whole

Recommendation of the City Operations and Neighborhood Services Committee

Supervisor Elsbernd was noted absent at 9:07 p.m., and noted present at 9:24 p.m.
Supervisor Wiener was noted absent at 9:07 p.m., and noted present at 9:32 p.m.
Supervisor Farrell was noted absent at 9:08 p.m., and noted present at 9:24 p.m.
Supervisor Kim was noted absent at 9:40 p.m., and noted present at 10:12 p.m.
Supervisor Chiu was noted absent at 9:59 p.m., and noted present at 10:18 p.m.
Supervisor Elsbernd was noted absent at 10:19 p.m., and noted present at 10:44 p.m.
Supervisor Cohen was noted absent at 10:24 p.m., and noted present at 10:32 p.m.
Supervisor Farrell was noted absent at 10:25 p.m., and noted present at 10:56 p.m.

111271 [Hearing - California Pacific Medical Center Negotiations Status Regarding Long Range Development Plan]

Sponsor: Mar

Hearing to hear all persons interested in commenting on the status of negotiations between the Mayor's Office and California Pacific Medical Center (CPMC) regarding CPMC's long range development plan.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to California Pacific Medical Center. Ken Rich (Mayor's Office of Economic and Workforce Development), Elizabeth Watty (Planning Department), Colleen Chawla (Department of Public Health), Barbara Garcia, Director, Department of Public Health, Rhonda Simmons (Mayor's Office of Economic and Workforce Development), Malcolm Yeung (Mayor's Office of Housing), Sonali.Bose (MTA), Kathy Riordan (Department of Public Health), and Charles Sullivan (City Attorney's Office) provided an overview of the project and responded to questions raised throughout the discussion. Matt Valdez; Isidra Ester Macaraeg; Emily Lee; Bob Prentice; Calvin Welch; Marlayne Morgan; Joanne Jung; Julian Gross; Michae; Male Speaker; Patricio Fernandez; Walter Paulson; Florence Kong; Danny Prince; Reverend Arnold Townsend; Jason Fraser; Roma Guy; Bernard Shoredon; George Wuo; Jenny Chung; Father Don Fox; Marion Lucci; Rose Tuvera; Gloria Salazar; Female Speaker; Merlina Meneses; Karina Vargas; Lorenzo Listana; Matt; Angelie Crown; Barbara Savitz; Javier Padilla; Holly Cooper; Dr. Eugene Gzenslen; Stella Becerra; Fernando Marti; Robert Lopez; Maxine Hickman; Jane Sandoval; Eileen Prendiville; Michael Leyon; Martha Calderon; Ana Lazo; Linda Chapman; Male Speaker; Mike Adams; Dick McNeil; Paul Kumar; Male Speaker; Amy Mariwether; Giselle Quesada; Vinney Arrora; Theresa Garnero; Amor Santiago; Joe Fang; Emily O'Rourke; John Huang; Kevin McCormick; Steve Woo; Kent Lim; Al Noland; Brian Webster; Otto Duffy; Eric Brooks; Manny Flores; Warren Brown; Pilar Schiavo; Brad Paul; Abdallah Megahed; expressed various concerns relating to the negotiations of the proposed project. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Wiener was noted absent at 4:02 p.m., and noted present at 4:21 p.m.

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Jeff Adachi, Public Defender, in recognition of the 90th Anniversary of the San Francisco Office of the Public Defender.

Supervisor Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Sherrif Michael Hennessey in recognition of his accomplishments during his 32 years of service to the City and County of San Francisco upon his retirement. Supervisors Farrell, Campos, Kim, Avalos, Chu, Farrell, and Chiu, shared in this recognition.

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Amy Brown, Acting City Administrator, in recognition of her accomplishments during her 12 years of service to the City and County of San Francisco upon her departure. Supervisors Chu, Campos, and Chiu shared in this recognition.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Supervisor and Sheriff-Elect Ross Mirkarimi in recognition of his accomplishments dring his 7 years of service as District 5 Supervisor to the City and County of San Francisco and congratulating him on his election to the Office of Sheriff. Supervisors Avalos, Campos, Kim, Mar, Elsbernd, Farrell, Chu, Cohen, and Wiener shared in this recognition.

COMMITTEE REPORTS

Recommendations of the Rules Committee

Supervisor Cohen Excused from Voting

Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Cohen be excused from voting on File No. 111304. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Cohen

111304 [Appointment, Peninsula Corridor Joint Powers Board - Supervisor Cohen]

Motion appointing Supervisor Malia Cohen, term ending June 30, 2012, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)

Motion No. M11-178

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Cohen

111286 [Settlement of Lawsuit - Patricia Sancinito - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Sancinito against the City and County of San Francisco and Laguna Honda Hospital for $75,000; the lawsuit was filed on May 19, 2011, in San Francisco Superior Court, Case No. CGC-11-511076; entitled Patricia Sancinito v. City and County of San Francisco, Laguna Honda Hospital. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111287 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - $14,950,000]

Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions.), Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of $14,950,000 from the City to MEOC. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111174 [Settlement of Unlitigated Claim - Janet O'Hara - $100,000]

Resolution approving the settlement of the unlitigated claim filed by Janet O'Hara against the City and County of San Francisco for $100,000; claim was filed on March 11, 2011. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111244 [Settlement of Unlitigated Performance Bond Claim - Travelers Casualty and Surety Company of America - City to Receive $250,000]

Resolution authorizing settlement of an unlitigated performance bond claim by the San Francisco Airport Commission against Travelers Casualty and Surety Company of America relating to a lease default by Mexicana Airlines. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111263 [Appointments, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti, Chris Block, Wendy Phillips, and Oscar Grande]

Motion appointing Fernando Marti, Chris Block, Wendy Phillips, and Oscar Grande, terms ending October 19, 2013, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)
Fernando Marti, seat 5, succeeding himself, term expired, must be nominated by District 6 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.
Chris Block, seat 7, succeeding himself, term expired, must be nominated by District 8 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.
Wendy Phillips, seat 8, succeeding Eric Quezada, term expired, must be nominated by District 9 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.
Oscar Grande, seat 9, succeeding himself, term expired, must be nominated by District 9 Supervisor and confirmed by the full Board, for a two-year term ending October 19, 2013.

Motion No. M11-179

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

111264 [Appointment, Bicycle Advisory Committee - Jared Cohen]

Motion appointing Jared Cohen, term ending November 19, 2012, or for the tenure of District 5 Supervisor, whichever is shorter in duration, to the Bicycle Advisory Committee. (Clerk of the Board)
Jared Cohen, seat 5, succeeding Susan King, term expired, must be a nominee of District 5 Supervisor. The member shall serve a two-year term ending November 19, 2012, or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Motion No. M11-180

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Steve Chessin; expressed various concerns relating to ranked choice voting.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111319 [Commending Supervisor and Sheriff-Elect Ross Mirkarimi]

Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener

Resolution commending and honoring Supervisor Ross Mirkarimi for his distinguished service as a member of the Board of Supervisors of the City and County of San Francisco and congratulating him on his election to the Office of Sheriff.

ADOPTED

111320 [Supporting Assembly Concurrent Resolution 42 - "Eat Local, Buy California Grown Day"]

Sponsors: Chu; Mar and Campos

Resolution supporting Assembly Concurrent Resolution 42, encouraging families, restaurants, and grocers to buy California-grown floriculture, fiber, and foods, and declaring Sundays as "Eat Local, Buy California Grown Day" in the City and County of San Francisco.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED

111321 [Accept and Expend Grant - Justice Reinvestment Initiative - $100,000]

Sponsor: Cohen

Resolution authorizing the Adult Probation Department as lead staff to the Reentry Council of San Francisco to accept and expend a technical assistance grant with a cash value of $100,000 from the United States Department of Justice, awarded to the Reentry Council, for activities related to the Justice Reinvestment Initiative.

ADOPTED

111322 [Honoring Warren Hellman - Renaming Speedway Meadow as Hellman Meadow]

Sponsors: Elsbernd; Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi and Wiener

Resolution honoring Warren Hellman and supporting the decision to rename Golden Gate Park's Speedway Meadow as Hellman Meadow.

ADOPTED

111323 [Amy L. Brown Day - January 6, 2012]

Sponsors: Elsbernd; Chiu, Chu, Mar and Campos

Resolution honoring Amy L. Brown and proclaiming January 6, 2012, to be as "Amy L. Brown Day" in the City and County of San Francisco.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED

111324 [Recognizing the 90th Anniversary of the San Francisco Office of the Public Defender]

Sponsors: Mirkarimi; Mar and Campos

Resolution recognizing that the San Francisco Office of the Public Defender, founded in 1921, is celebrating its 90th anniversary this year.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED

111327 [Commending Sheriff Michael Hennessey]

Sponsors: Mirkarimi; Farrell, Avalos, Chiu, Elsbernd, Wiener, Chu, Cohen, Campos, Kim and Mar

Resolution commending and honoring Sheriff Michael Hennessey for his distinguished tenure as the longest serving Sheriff of the City and County of San Francisco and congratulating him on his retirement.

ADOPTED

111300 [Final Map 6265: 275 - 299 Valencia Street]

Motion approving Final Map 6265, a 36 Residential Unit and 3 Commercial Unit Mixed-Use Condominium Project, located at 275 - 299 Valencia Street, being a subdivision of Assessor's Block No. 3532, Lot 014; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-181

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

111298 [Settlement of Lawsuit - Mary Jenn - $72,500]

Ordinance authorizing settlement of the lawsuit filed by Mary Jenn against the City and County of San Francisco for $72,500; the lawsuit was filed on November 12, 2010, in San Francisco County Superior Court, Case No. CGC-10-505363; entitled Mary Jenn v. City and County of San Francisco, et al. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11, RECEIVED AND ASSIGNED to Rules Committee.

111299 [Settlement of Lawsuit - DeWolf Realty Company, Inc. - $91,000]

Ordinance authorizing settlement of the lawsuit filed by DeWolf Realty Company, Inc., Gordon Pederson, and Chubb Custom Insurance Company against the City and County of San Francisco for $91,000; the lawsuit was filed on July 19, 2010, in San Francisco Superior Court, Case No. CGC-10-501664; entitled DeWolf Realty Company, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

111305 [Planning Code Amendments - Glen Park Area Plan]

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Glen Park Area Plan, bounded generally by Chenery Street to the north; Roanoke Street to the east; San Jose Avenue and Bosworth Street to the south; and Elk Street to the west; creating a new Section 738.1 establishing zoning controls for the Glen Park Neighborhood Commercial Transit (NCT) district; and making findings, including environmental findings and findings of consistency with General Plan and with the Priority Policies of Planning Code Section 101.1. (Planning Department)

11/28/11; RECEIVED FROM DEPARTMENT.

12/13/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/12/2012.

111306 [Zoning Map Amendments - Glen Park Area Plan]

Ordinance amending Zoning Map Sheets ZN11 and HT11 of the City and County of San Francisco Zoning Map to create a new zoning district and amending the height and bulk districts within the Glen Park Area Plan, as proposed in the Glen Park Community Plan; making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

11/28/11; RECEIVED FROM DEPARTMENT.

12/13/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/12/2012.

111307 [General Plan Amendments - Glen Park Area Plan]

Ordinance amending the San Francisco General Plan by adding the Glen Park Area Plan; and making findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

11/28/11; RECEIVED FROM DEPARTMENT.

12/13/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/12/2012.

PROPOSED RESOLUTIONS

111301 [Settlement of Case - George and Vickie Bourdouris and Capital Insurance Group - $67,205.32]

Resolution approving the proposed settlement of the case of George and Vickie Bourdouris and Capital Insurance Group vs. the City and County of San Francisco for $67,205.32, Unlitigated Claim No. 11-00689. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

111303 [Settlement of Unlitigated Claim - M/T Dubai Star/South Harmony Shipping - City to Receive $65,000]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against M/T Dubai Star/South Harmony Shipping, Inc. for $65,000; claim was presented by the City on July 28, 2010. (City Attorney)

11/30/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Rules Committee.

111308 [Real Property Lease - San Antonio Reservoir to Chevron Pipe Line Company]

Resolution: 1) authorizing the General Manager of the San Francisco Public Utilities Commission to execute a 20 year lease for an approximately 11.73 acre pipeline right-of- way near the San Antonio Reservoir in Alameda County to Chevron Pipe Line Company at an initial rent of $12,500 per year; 2) adopting environmental findings; and 3) authorizing other actions in furtherance of this Resolution. (Real Estate Department)

12/02/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111309 [Contract Amendment - Xtech - $51,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Third Amendment between the City and Xtech (part of the technology store procurement vehicle), in which the amendment shall increase the contract limit from $41,000,000 to $51,000,000. (Office of Contract Administration)

12/05/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111310 [Contract Amendment - Xtech - $60,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Fourth Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from $40,000,000 to $60,000,000. (Office of Contract Administration)

12/05/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111311 [Contract Amendment - En Pointe Technology Sales, Inc. - $38,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Third Amendment between the City and County of San Francisco and En Pointe Technology Sales, Inc. ("En Pointe", part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from $28,475,000 to $38,000,000. (Office of Contract Administration)

12/05/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 12:06 a.m.

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